

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, June 2, 2011 3:30 P.M.  
City Council Chambers  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF MAY 19, ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

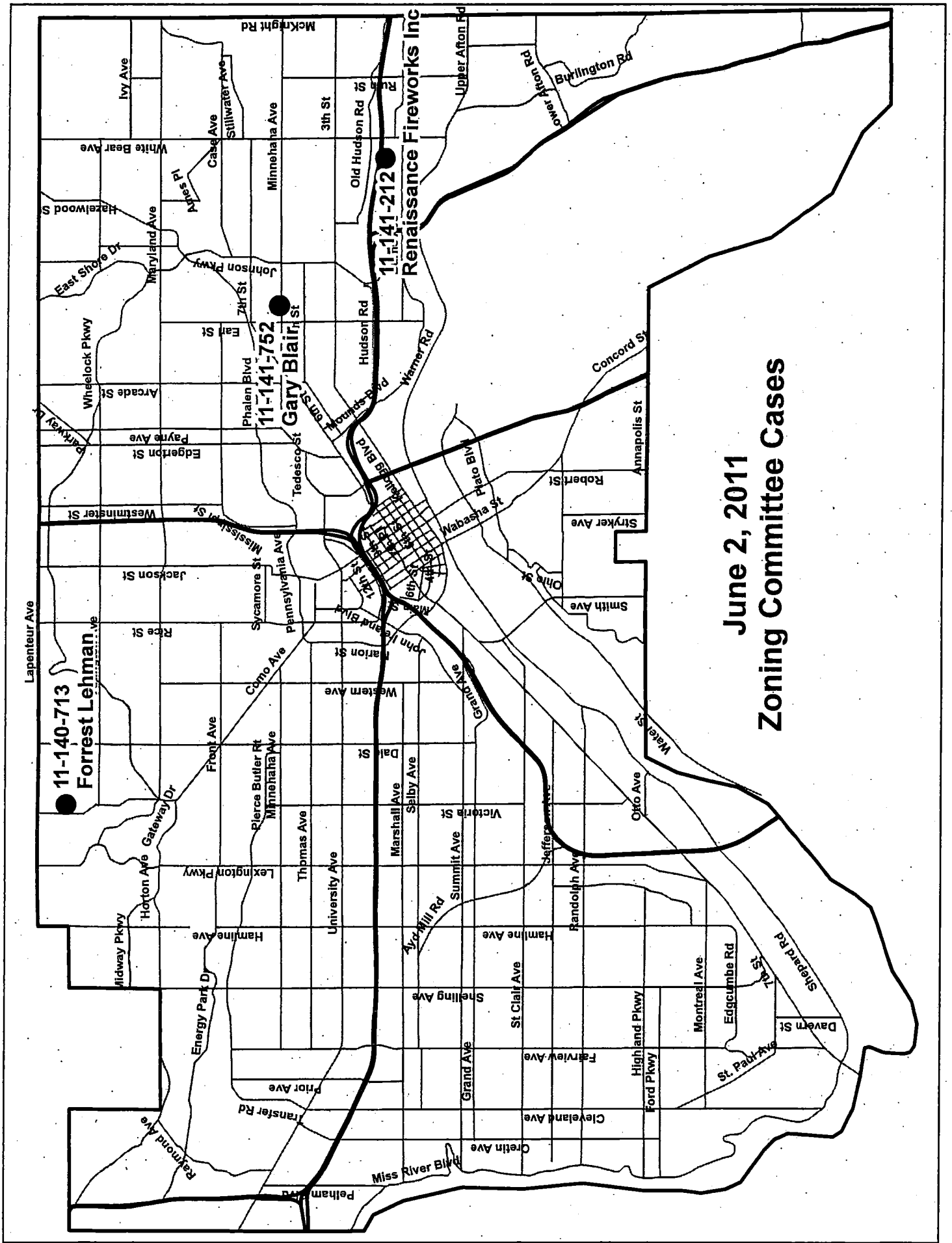
**NEW BUSINESS**

- 1      11-140-713   Forrest Lehman**  
Re-establishment of nonconforming use as a duplex  
859 Hoyt Ave W,  
R3  
Sarah Zorn                      651-266-6570
  
- 2      11-141-752   Gary Blair**  
Establishment of Legal Nonconforming Use for outdoor storage in a semi trailer  
1121 Minnehaha Ave E, NEcorner at Frank  
RT1  
Josh Williams                  651-266-6659
  
- 3      11-141-212   Renaissance Fireworks Inc**  
Conditional Use Permit for seasonal outdoor sale of consumer fireworks with  
modification of days of operation  
1666 -1712 Suburban Ave, SE of intersection with kennard  
B2  
Kate Reilly                      651-266-6618

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



June 2, 2011  
Zoning Committee Cases

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Forrest Lehman **FILE #**11-140-713
  2. **APPLICANT:** Forrest Lehman **HEARING DATE:** June 2, 2011
  3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
  4. **LOCATION:** 859 Hoyt Ave W, between Victoria and Fisk
  5. **PIN & LEGAL DESCRIPTION:** 232923120153; Como Ex N 3o Ft The E 63 44/100 Ft Of W 129 44/100 Ft Of Lot 5 Blk 12
  6. **PLANNING DISTRICT:** 10
  7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** R3
  8. **STAFF REPORT DATE:** May 25, 2011 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** May 6, 2011 **60-DAY DEADLINE FOR ACTION:** July 5, 2011
- 

- A. **PURPOSE:** Re-establishment of nonconforming use as a duplex
- B. **PARCEL SIZE:** 64 ft. (Hoyt) x 170 ft. = 11,592 sq. ft. (approximate)
- C. **EXISTING LAND USE:** R-Duplex
- D. **SURROUNDING LAND USE:**
  - North: Single family residential (R3)
  - East: Single family residential (R3)
  - South: Single family residential (R3)
  - West: Single family residential (R3)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** Ramsey County Assessor records indicate that the property was built as a duplex in 1961 and became a legal nonconforming duplex with the 1975 zoning change.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
  1. The property was placed on the Vacant Building list in May of 2009 as a Category 2 and has been vacant for more than 365 days, requiring the applicant to re-establish the duplex use. The applicant is proposing to rehabilitate the structure as a two-family dwelling and rent it out.
  2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
    - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure was built as a duplex. If the applicant were required to convert the structure to a single family home, they would be forced to incur a significant and unreasonable cost.
    - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The proposed use as a duplex is equally appropriate to the district as the previous duplex use.
    - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use will not be detrimental to the existing character of development in the immediate neighborhood. Re-establishing the nonconforming use will put a structure back into service that has been vacant for the last two years. The proposed continued use of the duplex structure fits in with the surrounding neighborhood and

adjacent single family structures.

- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The District 10 Plan supports the maintenance and improvement of the existing housing stock and expanding housing options for seniors, young people and first-time homebuyers (p. 2). The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods.
  - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on May 12, 2011: 14 parcels eligible; 10 parcels required; 10 parcels signed.
3. The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:
- A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This finding is met. The lot size is approximately 11,500 sq. ft. and the lot frontage on Hoyt is 64 feet.
  - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This condition is met. The units are 1,560 and 1,448 square feet respectively.
  - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This condition is met. There are three spaces in the existing garage.
  - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This condition is met. Other than exterior finishing, all remodeling work will take place inside the structure.
  - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This condition is met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

*The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.* This finding is met. The applicant has submitted sufficient documentation to substantiate the permit.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the re-establishment of nonconforming use as a duplex subject to the condition that the applicant adhere to all applicable code requirements and receives a certificate of occupancy for a two-unit building.





**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only	
File #	11-140713
Fee	700.00
Tentative Hearing Date	6-2-11

PD-10

232923120153

**APPLICANT**

Name	Forrest Lehman		
Address	1843 73rd St.		
City	Centerville	St.	MN Zip 55038 Daytime Phone 651-442-5953
Name of Owner (if different)	Elfriede Freiseis		
Contact Person (if different)	Dale Boyd (POA) Forrest Lehman		Phone 651-442-5953

**PROPERTY LOCATION**

Address/Location	859 Hoyt Ave W. St. Paul, MN 55		
Legal Description	See Attached		
(attach additional sheet if necessary)	Current Zoning	Single fam R4 RB	

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- ☐ Change from one nonconforming use to another (para. c)
  - ☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
  - ☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
  - ☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use Duplex

Proposed Use Duplex

Attach additional sheets if necessary

Attachments as required ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Applicant's Signature Forrest Lehman Date 5/6/11 City Agent pdc

## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Forrest Lehman  
(name of applicant)

to establish a Duplex  
(proposed use)

located at 859 Hoyt Ave W. St Paul  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
871 Hoyt Ave W	ANDREW RATNIK	[Signature]	4/14/11

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

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We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
865 W. Hawthorne	Paul L. Manning	Paul L. Manning	3-29-11
859 W. Hoyt Ave	Forrest Lehman	Forrest Lehman	3-29-11
856 W. Lowe	Ron Krachnerman	Ron Krachnerman	3-29-11
862 W. Lowe	Nick Musachio	Nick Musachio	3-29-11
	Vick Musachio		

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(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
859 Hoyt Ave W	Elfriede Freiseis	Dee Z Boyd, POA	4/29/11

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

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(name of applicant)

to establish a Duplex  
(proposed use)

located at 859 Hoyt Ave W. St. Paul  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
849 HOYT AVE W	JAMES ELMQUIST	James Elmquist	4/15/2011

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

## CITY OF SAINT PAUL

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A copy of the application of Forrest Lehman  
(name of applicant)

to establish a Duplex  
(proposed use)

located at 859 Hoyt Ave W. St. Paul  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
853 W. Hoyt Ave	DAVID C. LIST	David C. List	4-12-11

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

A copy of the application of Forrest Lehman  
(name of applicant)

to establish a Duplex \_\_\_\_\_  
(proposed use)

located at 859 Hoyt Ave W  
(address of property)

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

[illegible]

9/08

## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

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A copy of the application of Forrest Lehman  
(name of applicant)

to establish a Duplex  
(proposed use)

located at 859 Hoyt Ave W. St. Paul  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
862 HOYT AVE W	FLOYD J. KLEIN	<i>Floyd J. Klein</i>	4-18-11

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.



## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We consent to the approval of this application as it was explained to us by the applicant or his/her representative, *as long as they are reputable centers.*

[illegible]

9/08

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A copy of the application of Forrest Lehman  
(name of applicant)

to establish a Duplex  
(proposed use)

located at 859 Hoyt Ave W. St. Paul  
(address of property)

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

[illegible]

9/08

# CITY OF SAINT PAUL

## AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Forrest Lehman, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Forrest Lehman

NAME

1843 73<sup>rd</sup> St. Centerville, MN 55038

ADDRESS

651-442-5953

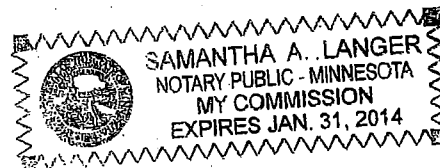
TELEPHONE NUMBER

Subscribed and sworn to before me this

6 day of May, 2011.

Samantha Langer

NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 5-6-11

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: 5-12-11

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: 14

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED: 10

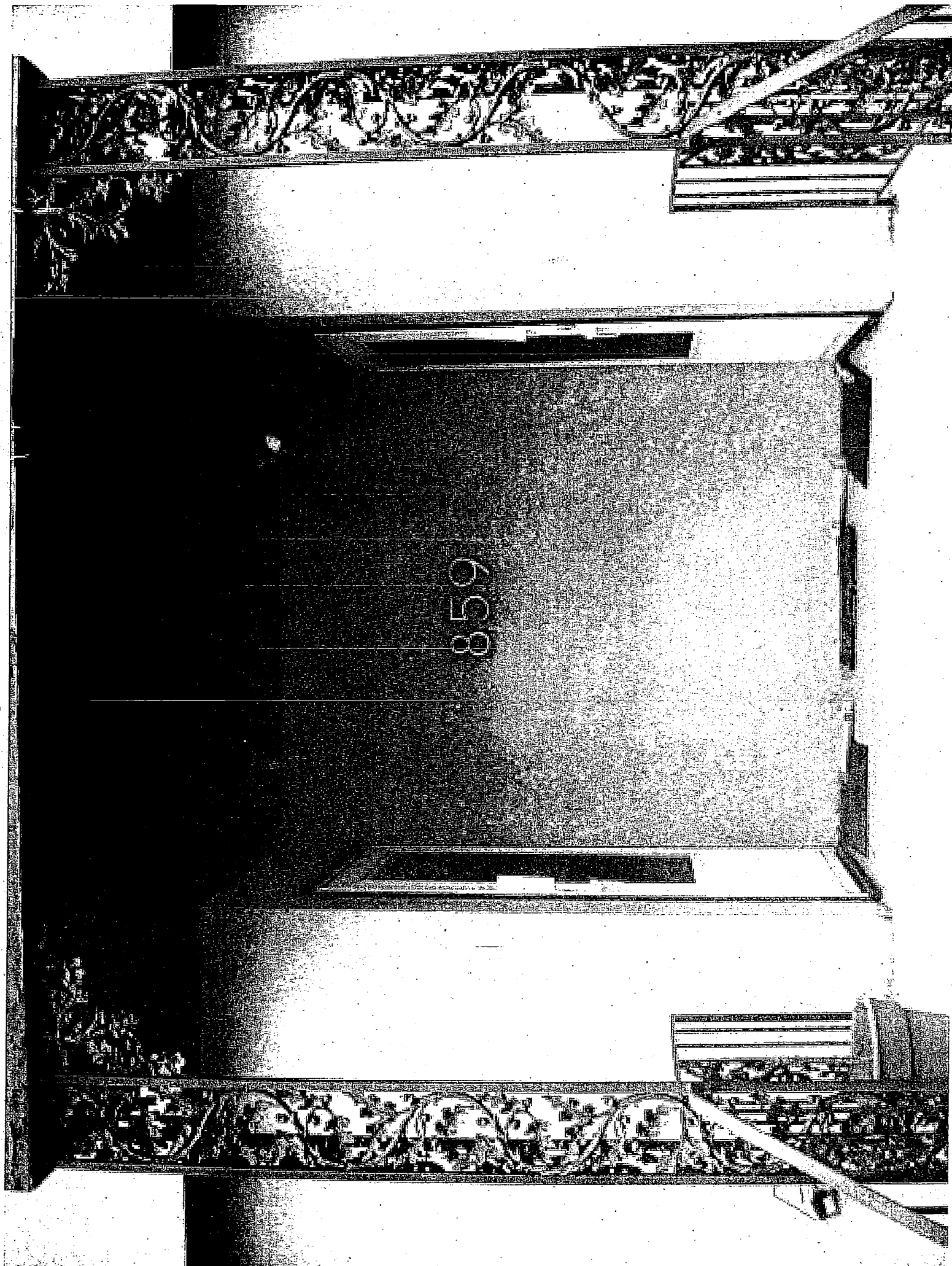
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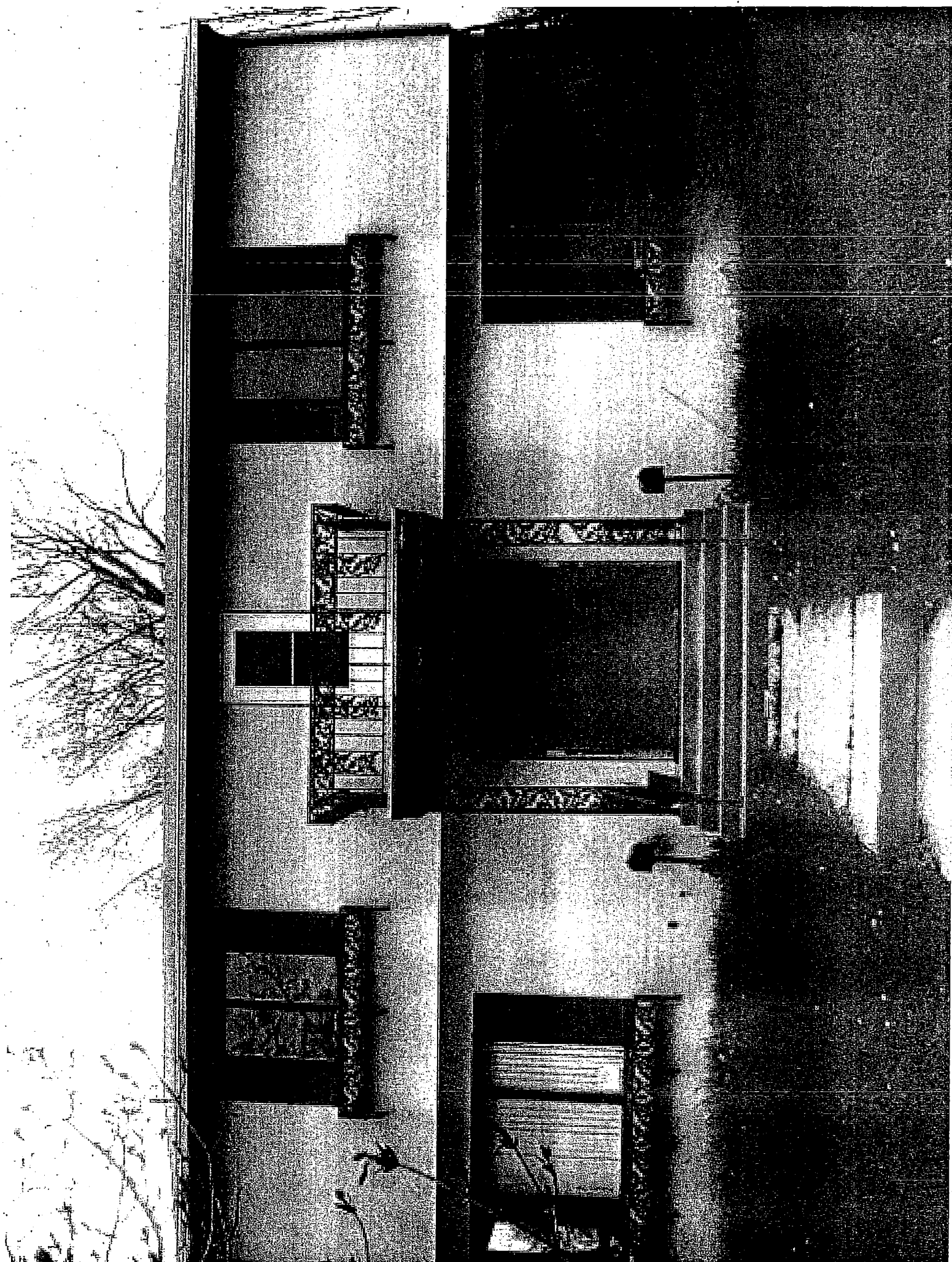
PARCELS SIGNED: 10

PARCELS SIGNED: \_\_\_\_\_

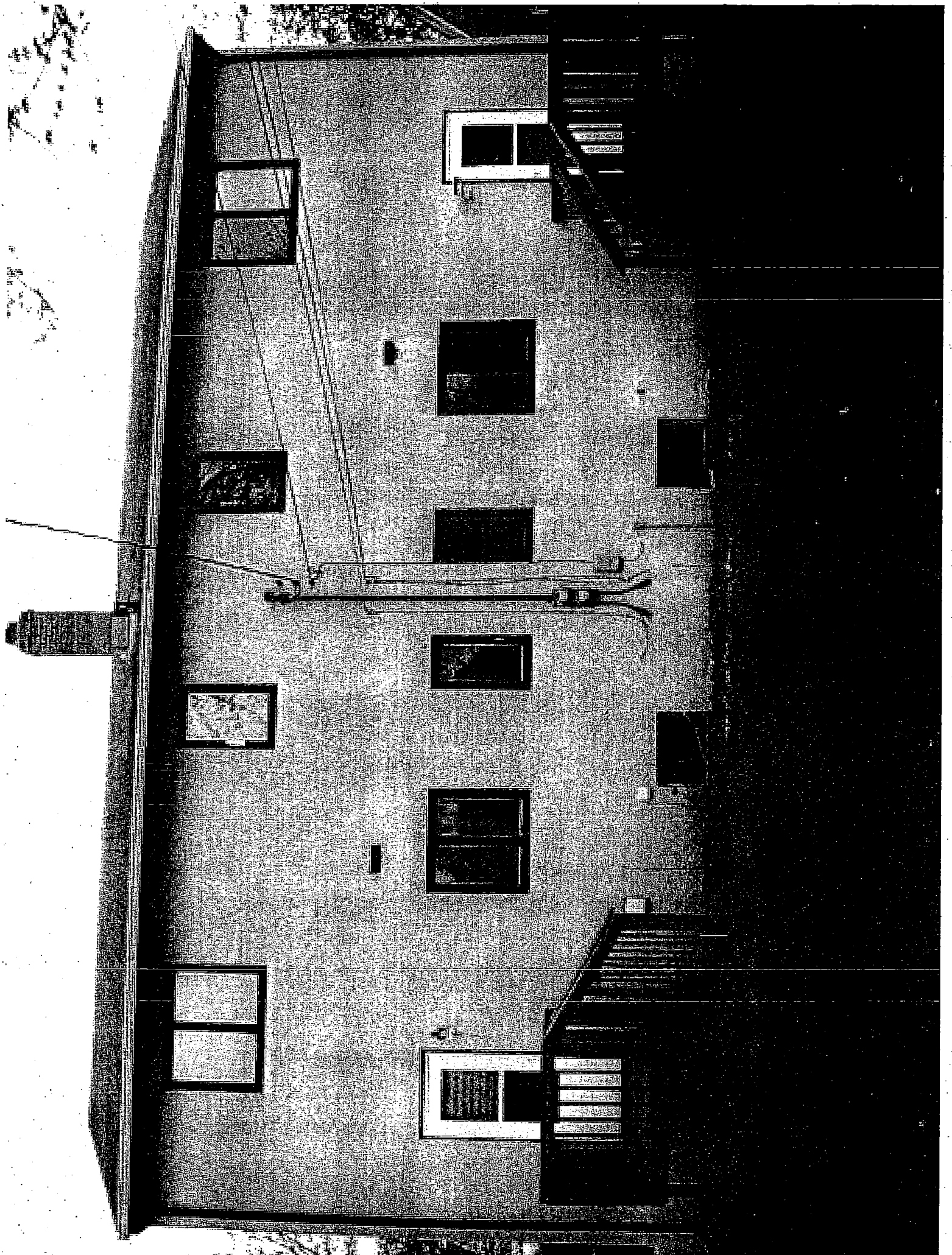
CHECKED BY: Paul Dubruie

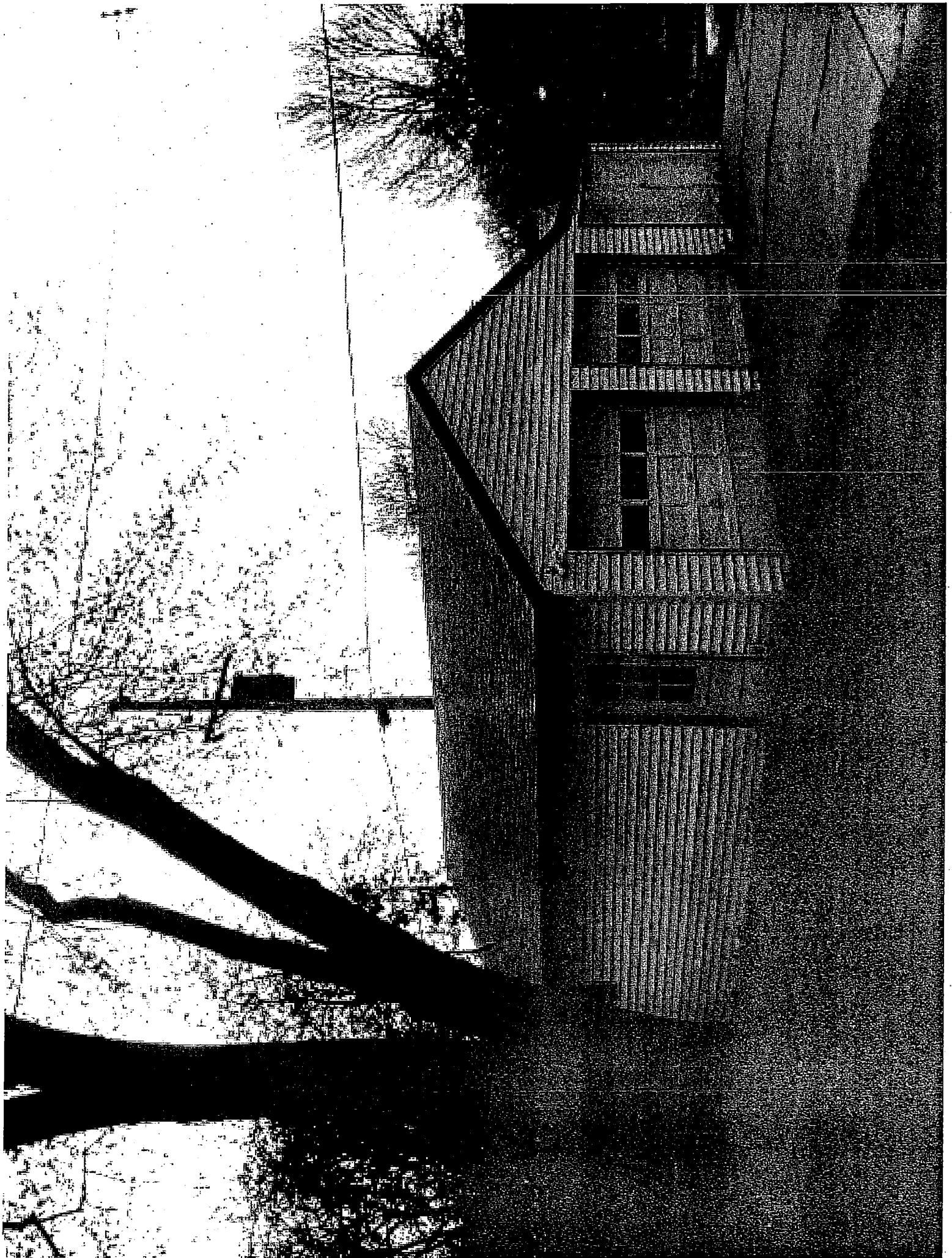
DATE: 5-12-11



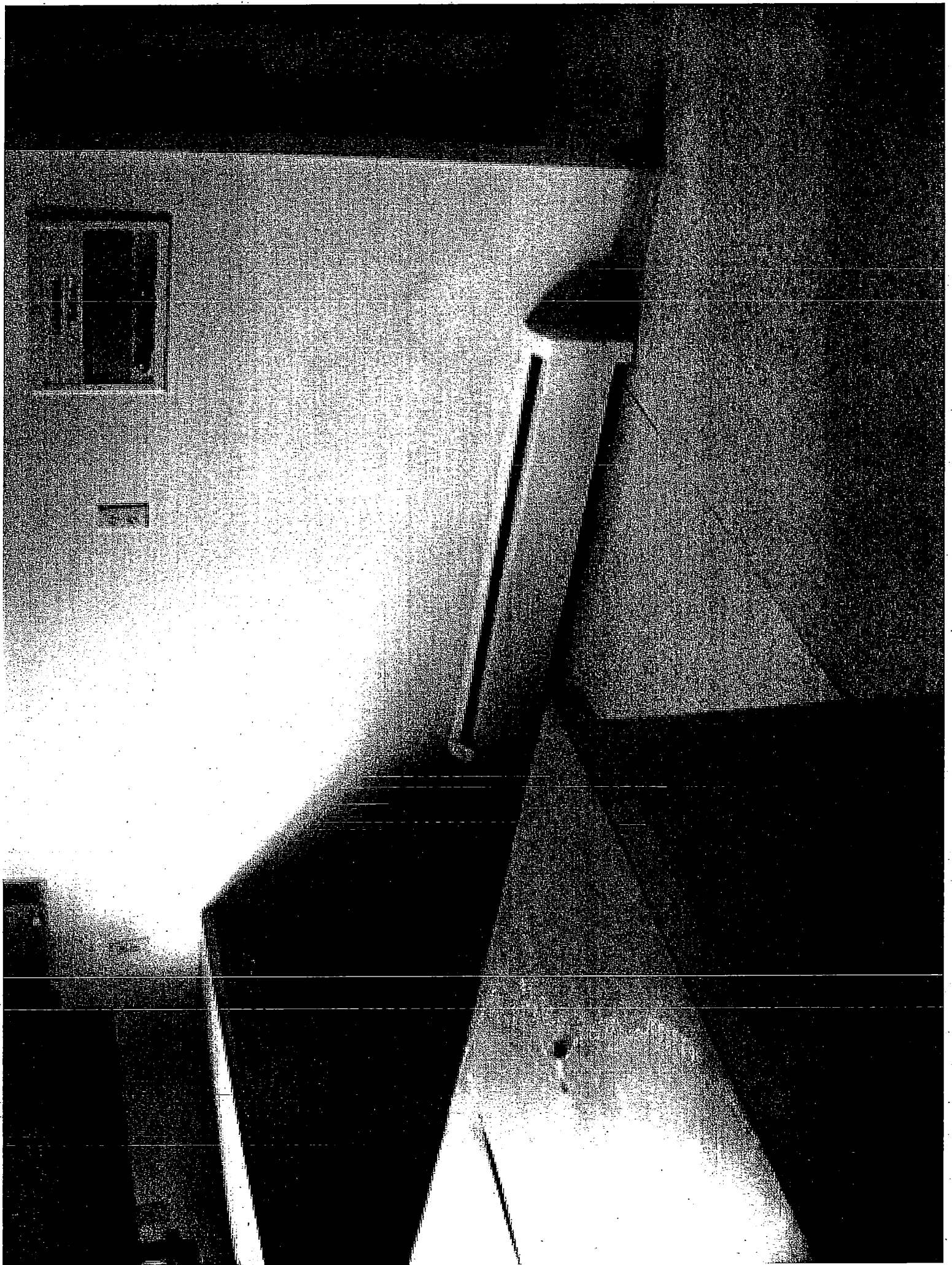






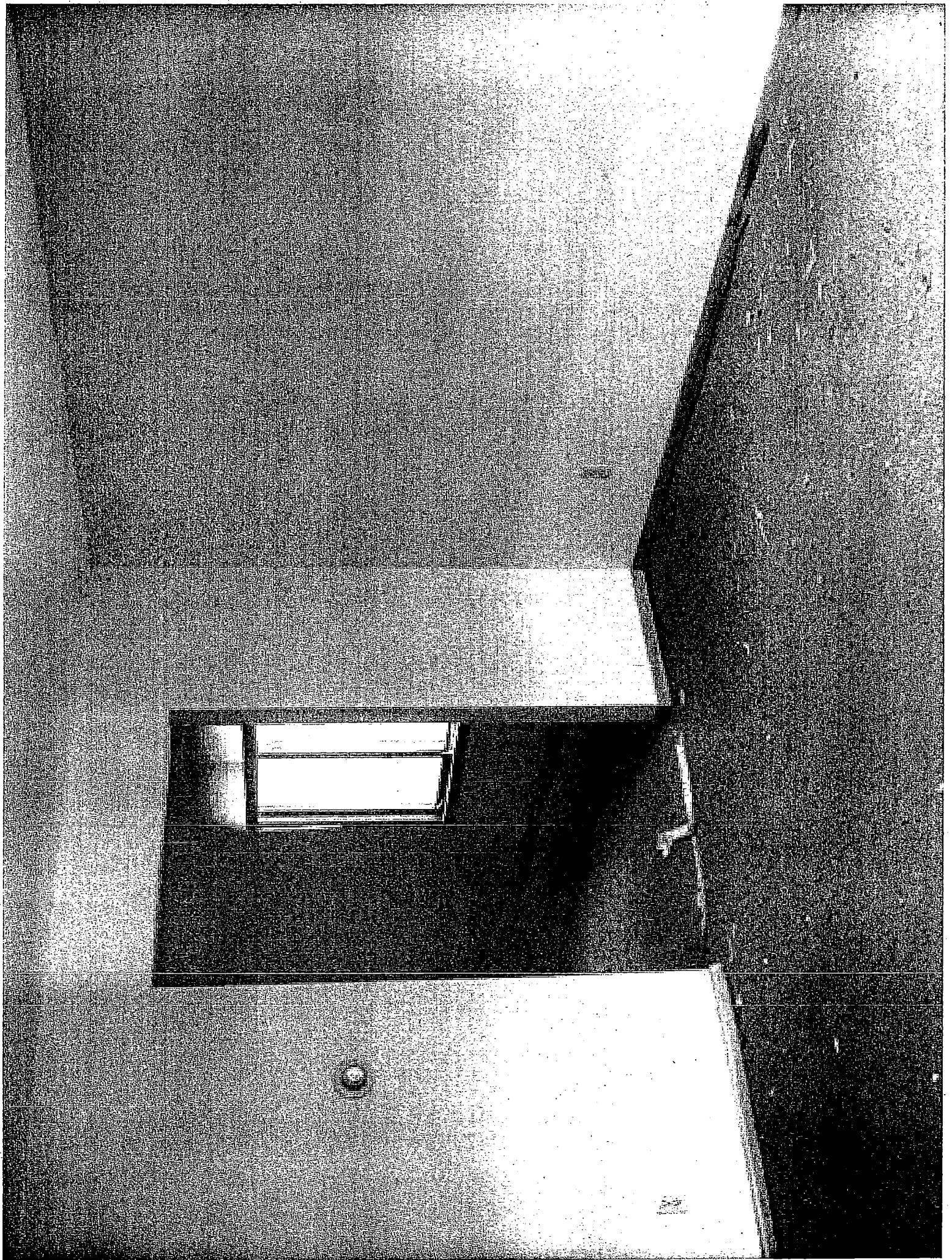




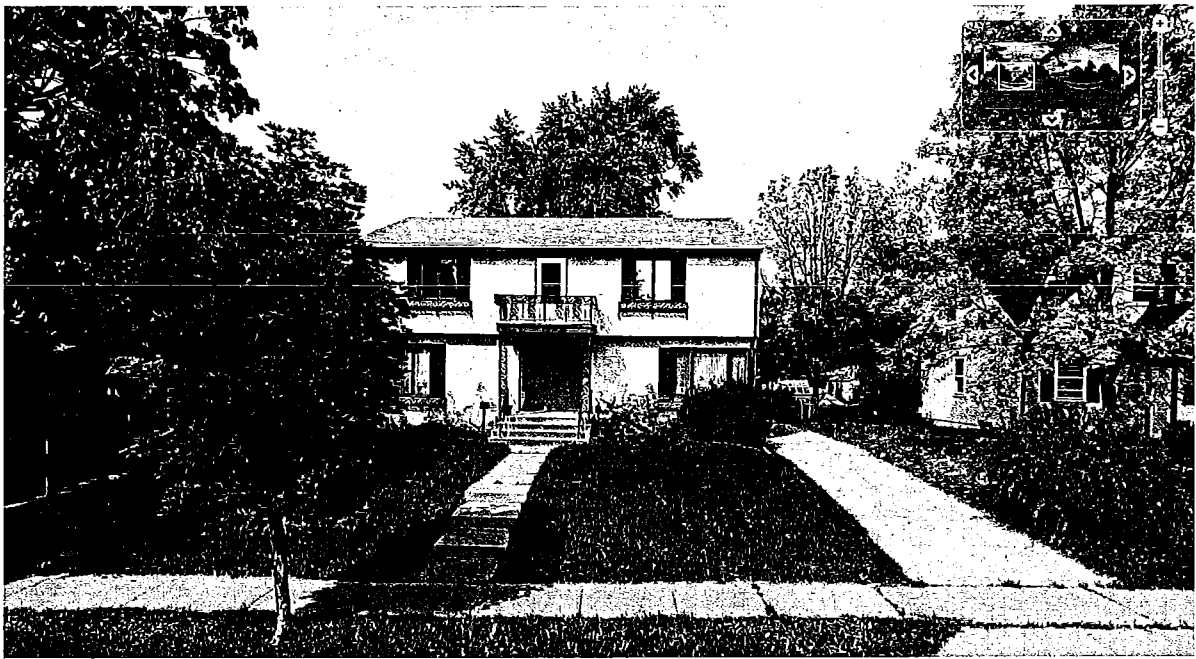








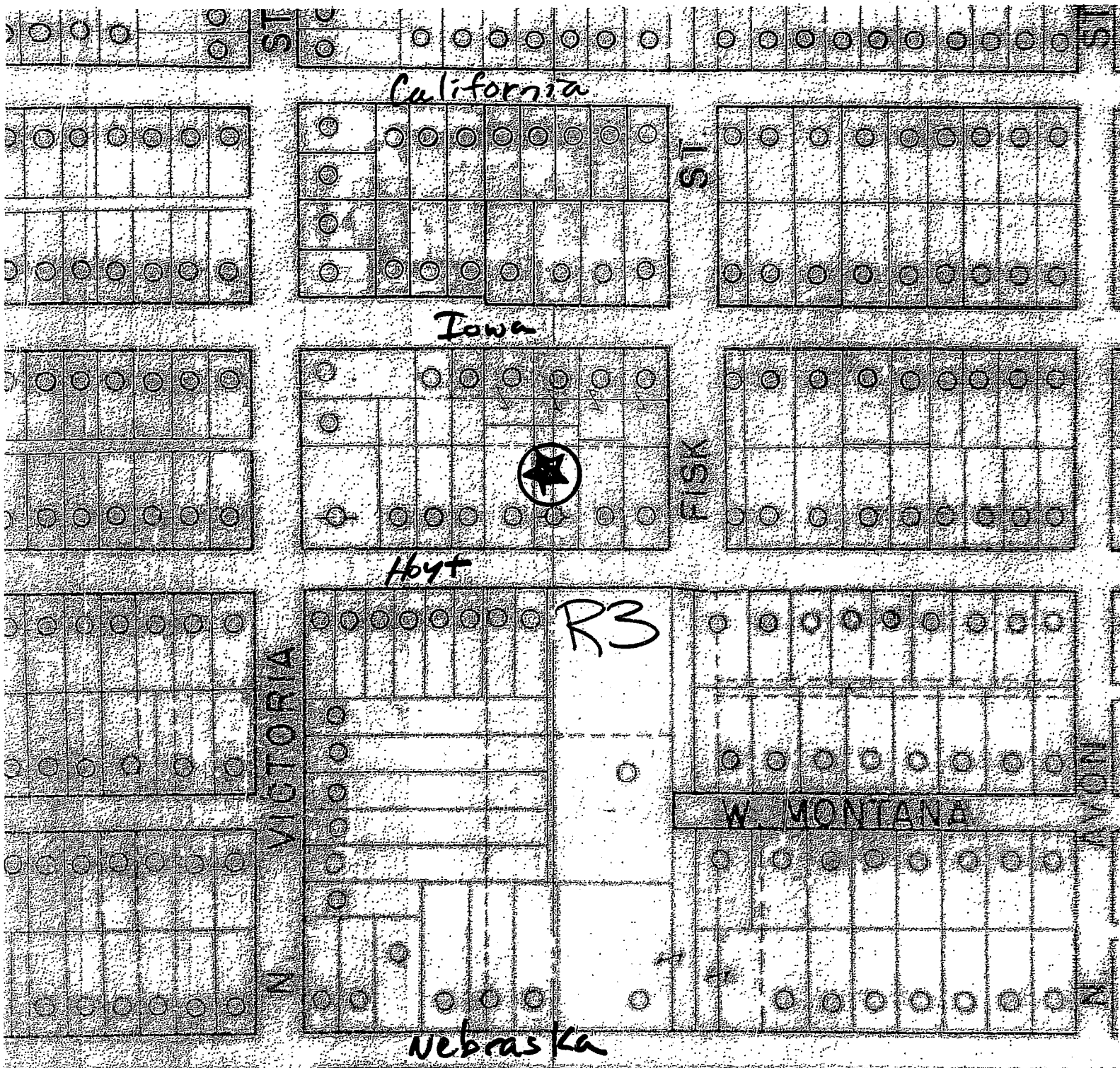














859 Hoyt Avenue West







APPLICANT <u>Forrest Lehman</u>		LEGEND		 
PURPOSE <u>RE-EST NCUP</u>		 zoning district boundary		
FILE # <u>11-140713</u>	DATE <u>5/12/11</u>	 subject property		
PLNG. DIST. <u>10</u>	Land Use Map # <u>3</u>	 one family  two family  multiple family		
Zoning Map # <u>3</u>		 commercial  industrial  vacant		

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Gary Blair
  2. **APPLICANT:** Gary Blair
  3. **TYPE OF APPLICATION:** NUP - Establishment
  4. **LOCATION:** 1121 Minnehaha Ave E, NEcorner at Frank
  5. **PIN & LEGAL DESCRIPTION:** 282922430096, Terrys Addition Lot 13 Blk 1
  6. **PLANNING DISTRICT:** 4
  7. **ZONING CODE REFERENCE:** §Sec. 62.109(a)
  8. **STAFF REPORT DATE:** May 25, 2011
  9. **DATE RECEIVED:** May 11, 2011
- FILE #** 11-141-752  
**HEARING DATE:** June 2, 2011  
**PRESENT ZONING:** RT1  
**BY:** Josh Williams  
**60-DAY DEADLINE FOR ACTION:** July 10, 2011
- 

- A. **PURPOSE:** Establishment of Legal Nonconforming Use for outdoor storage in a semi trailer
- B. **PARCEL SIZE:** 6927 sq. ft.
- C. **EXISTING LAND USE:** C-Retail-General
- D. **SURROUNDING LAND USE:**
  - North: Residential (RT1)
  - East: Residential (RT1)
  - South: Residential (RT1)
  - West: Residential (RT1)
- E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.
- F. **HISTORY/DISCUSSION:** No zoning history exists for the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council has recommended approval of the application.
- H. **FINDINGS:**
  1. The applicant owns and operates a retail carpet and flooring business in a residential at 1121 Minnehaha Ave E; the property already has legal non-conforming use status. The applicant has owned and operated the business in it's current location for over thirty years, and in 2008 was recognized the City of Saint Paul with a *Good Gardener Award* for an outstanding garden at a business in Saint Paul.
  2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
    - (1) *The use occurs entirely within an existing structure.* This finding is met. Storage of carpet and other materials ordered by customers but not yet installed occurs entirely within the semi trailer.
    - (2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application.* This finding is met. The applicant states that the trailer has been in its current location for the entire time he has owned the property, a period of over thirty years. Aerial photographs from 2006, 2001, and 1997 show the same or a similar trailer parked in the same location on the lot. Direct visual inspection of the trailer on the property suggests that it has not moved in quite some time.
    - (3) *The off-street parking is adequate to serve the use.* This finding is met. The off-street parking requirement for the flooring businesses is met or legally non-conforming, and the accessory storage requires no additional off-street parking.
    - (4) *Hardship would result if the use were discontinued.* This finding is met. According to the applicant, the existing building housing the flooring business does have sufficient space to accommodate both the showroom and product storage, and requiring the applicant to erect a

permanent structure of sufficient size to accommodate storage needs would present a financial hardship.

- (5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. Outdoor storage is only allowed in industrial zones. The property is completely surrounded by residential zoning and uses, and rezoning to industrial would be inappropriate with regard to the surrounding residential uses.
- (6) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health; safety, or general welfare.* This finding can be met. The use--storage entirely enclosed within a semi-trailer--is not inherently detrimental to the character of the neighborhood, nor a danger to the public health, safety and general welfare, provided the structure is visually and functionally similar to a permanent structure in which storage would be permitted as an accessory use. This can be accomplished by screening of the base of the structure (i.e., wheels and front stand) with lattice and vegetation, opaque fencing, or similar. Screening should be constructed so as to prevent the harboring of rodents or other vermin.
- (7) *The use is consistent with the comprehensive plan.* This finding is met. Policy LU 1.7 of the Saint Paul Comprehensive Plan is to *permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods*; establishing legal non-conforming use status for storage in a semi-trailer will facilitate the continued operation of the applicant's flooring business. The vision of the Dayton's Bluff District 4 plan includes the *promotion of the livability of the neighborhood by enhancing its appearance through cleanliness...and rectifying code violations*. Establishing legal non-conforming use of the semi trailer for storage with requirements to improve the visual appearance will both enhance neighborhood appearance and rectify a code violation.
- (8) *A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on May 16, 2011: 14 parcels eligible; 10 parcels required; 10 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Establishment of Legal Nonconforming Use for outdoor storage in a semi trailer subject to condition that the owner screen the base of the trailer with lattice and vegetation, opaque fencing, or similar.





**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only

File #: \_\_\_\_\_

Fee: 6.50

Tentative Hearing Date:

FEB 10, 2011

PD = 4

#

282922430096

## APPLICANT

Name Gary Blair

Address 1769 Reaney Ave

City St. Paul St. MN Zip 55106 Daytime Phone 651

774-3321

Name of Owner (if different) \_\_\_\_\_

Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

## PROPERTY LOCATION

Address/Location Carpet Court 1121 E. Minnehaha Ave

Legal Description \_\_\_\_\_

Current Zoning RTI

(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)  
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☒ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use Carpet storage for carpet sold waiting for installation.

Proposed Use Same

Attach additional sheets if necessary

Attachments as required ☒ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature Gary Blair Date 1-19-11 City Agent [Signature]

CARPET COURT  
Div. of Blair Enterprises, Inc.  
1121 E. Minnehaha Ave. St. Paul, MN. 55106  
(651) 774-3321 Fax (651) 772-2775

January 20, 2011

City of St. Paul  
Dept. of Planning & Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West 4th Street  
St. Paul, MN. 55102-1634

Re: Storage Trailer located at the rear of my property

To Whom It May Concern:

The storage trailer on the property has been located on this lot when I purchased the property some 33 years ago. I have made use of it ever since for use in operating my floor covering business. This is the location where carpet and vinyl rolls of 12 & 15 foot materials are stored from the time of delivery to the installation dates of the materials. Without the storage facility, it would be a hardship to continue to operate my business since this is where I receive materials for us to install in customer's homes.

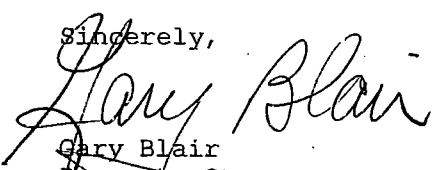
Our building is not equipped or large enough to use as a storage facility and still be able to operate the showroom. In addition, the storage trailer serves to visually block the unsightly trash and run down condition of the homes and properties behind it. (The health department has been called to clean up trash for the adjoining properties on more than one occasion, and this fact should be reflected on the City records).

I take pride in maintaining a well kept building in the neighborhood. I have received recognition for the City of St. Paul as a result of the care we have given the property. A copy of that award is enclosed for your consideration.

We are therefore requesting a variance to continue to use the trailer for storage of our materials. The trailer has not been an eyesore or a distraction in the neighborhood.

If you have any questions, please contact me at the Carpet Court, (651) 774-3321.

Sincerely,

  
Gary Blair  
Property Owner &  
Carpet Court President



# Dayton's Bluff

## District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 - Phone 651-772-2075 - Fax 651-774-3510  
Visit our web site at [www.daytonsbluff.org](http://www.daytonsbluff.org)

February 4, 2011

Karen Zacho  
DSI  
375 Jackson Street  
Saint Paul MN 55101

Dear Karen Zacho,

At our January 24, 2011 board of directors meeting our board passed a resolution in support of Carpet Court at 1124 East Minnehaha Avenue application for a Nonconforming Use Permit for a semi-trailer in the back yard. The trailer was there when the owner, Gary Blair, brought the property over 30 years ago. The trailer is used for storage of 12' and 15' long rolls of carpet that are waiting to be installed into homes and businesses. We flyered nearby neighbors and did not receive feedback from any of them.

Over the years Gary has done a great job of keeping up the property in spite of occasional graffiti and vandalism. Gary received a "Good Gardener Award" in 2008 from the City of Saint Paul's Blooming Saint Paul Program for the landscaping at the Carpet Court. We appreciate the good job he has done in maintaining the property and encourage him to continue.

If you need more information call me at 651-772-2075.

Thank you.

Sincerely,

Karin DuPaul  
cc. Gary Blair



DIVISION OF PARKS AND RECREATION  
OPERATIONS

CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Blooming Saint Paul  
Golden Bloom Awards



July 11, 2008

Dear Carpet Court,

Congratulations! Your garden has been nominated for a Golden Bloom Award. As part of the city-wide Blooming Saint Paul initiative, the Golden Bloom Awards aim to promote and celebrate gardening throughout the City of Saint Paul. Sponsored by the Saint Paul Division of Parks and Recreation, Saint Paul Garden Club, and Saint Paul Pioneer Press, Golden Bloom Awards are awarded to gardens within the city limits of Saint Paul in the following categories: Business/Institutional, Residential, Environmental, Community Vegetable Gardens, Community Garden on City Property, Art in the Garden, and Volunteer Award.

Your garden has been nominated within the \*Business category. This letter is being sent in order to verify that you, indeed, are the person who is responsible for the garden nominated and that we have correctly spelled your name. Please review the information listed below. If the information is correct, you need not do anything. If the information is incorrect, please contact Mark Granlund at the phone number or e-mail address below with the correction.

**Garden Location:** 1124 E. Minnehaha Ave.

**Gardener's Name:** Carpet Court

**Gardener's Mailing Address:** 1124 E. Minnehaha Ave.

An invitation to attend the Golden Bloom Awards ceremony, where the winners for each category are announced, will be sent to you the beginning of January. The awards ceremony will be held on Monday, January 26, 2009. You do not need to be present to receive an award.

We look forward to seeing you at the awards ceremony and appreciate your work in beautifying Saint Paul!

Sincerely,

Mark Granlund  
Arts and Gardens Coordinator  
Saint Paul Parks and Recreation  
651-632-2454  
mark.granlund@ci.stpaul.mn.us

Garden judging will take place  
the week of July 28<sup>th</sup>.



# *2008 Blooming Saint Paul Program*

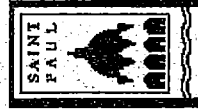
The City of Saint Paul, Division of Park and Recreation,  
Saint Paul Garden Club and Ramsey County Master Gardeners  
hereby recognize

## *Carpet Court*

*For achieving the Good Gardener Award for creating an  
outstanding Business Garden in Saint Paul*

*Christopher B. Coleman*

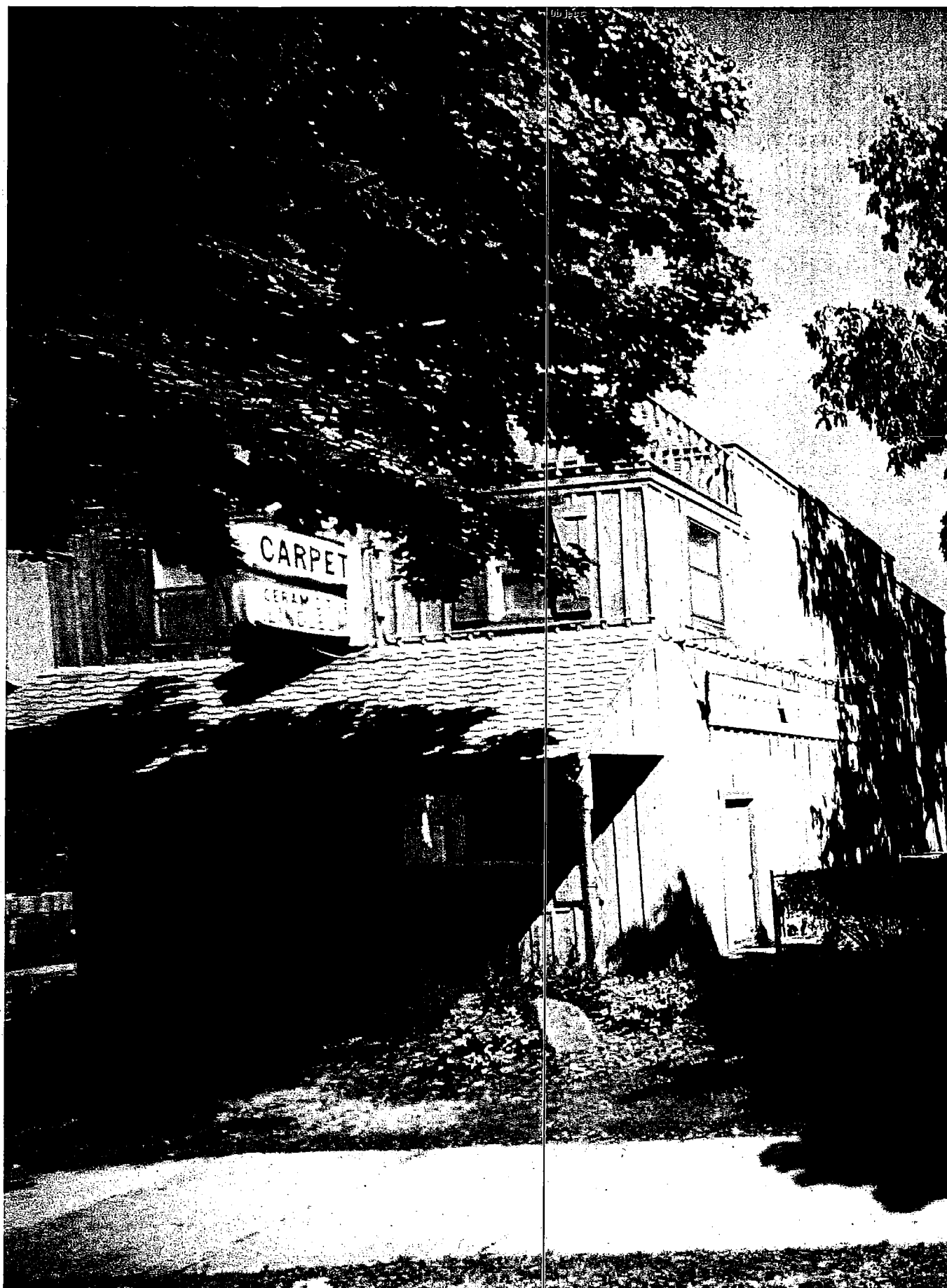
Christopher B. Coleman  
Mayor  
City of Saint Paul



**PIONEER PRESS**  
**TwinCities.com**

*Mike Hahm*

Mike Hahm, CPPP  
Director of Parks & Recreation  
City of Saint Paul





CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989  
Saint Paul, MN 55101-1806 Fax: 651-266-8951

September 23, 2010

AILEEN BLAIR  
GARY A BLAIR  
1769 REANEY AVE  
ST PAUL MN 55106-4243

## **FIRE CERTIFICATE OF OCCUPANCY APPROVAL WITH CORRECTIONS**

RE: 1121 MINNEHAHA AVE E  
Ref. # 12957

Dear Property Representative:

Your building was inspected on September 23, 2010 for the renewal of the Fire Certificate of Occupancy and was approved. When the required fee has been paid you will receive your certificate. There are however seasonal or non-life safety deficiencies noted below which must be corrected prior to re-inspection.

### **DEFICIENCY LIST**

1. Apartment - SPLC 33.05 - Uncertified portions of the building must not be occupied until inspected and approved by this office.
2. Exterior - SPLC 60.220- The placement of items such as, but not limited to, the following: merchandise for sale or rent; materials awaiting servicing, processing or manufacturing; finished products of a servicing, processing or manufacturing operation; equipment: portable storage containers but excluding trash containers or garbage dumpsters that are accessory to the main use; and automobiles, trucks, automobile trailers, semitrailers, intermodal cargo containers, or other vehicles not used for more than five(5) days.-Immediately discontinue using and remove the semitrailer from the premises.

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8688) and must be filed within 10 days of the date of this order.

For an explanation or information on some of the violations contained in this report, please visit our web page at:  
<http://www.ci.stpaul.mn.us/index.aspx?NID=211>

If you have any questions, email me at: [leanna.shaff@ci.stpaul.mn.us](mailto:leanna.shaff@ci.stpaul.mn.us) or call me at 651-266-8980 between 7:30 a.m - 9:00 a.m.

Sincerely,

Leanna Shaff  
Fire Inspector

1769 Reaney Avenue  
St. Paul, MN. 55106  
(651) 774-7021 hm.  
(651) 774-3321 wk.

Gentlemen:

My name is Gary Blair and I am the owner of the Carpet Court located at 1121 East Minnehaha Avenue; St. Paul, MN. 55106. The building is on the corner of Minnehaha and Frank near the property that you own. We have a storage trailer located in the parking lot at the rear of the property. The trailer has been there for more than 30 years.

The City of St. Paul now wants me to get approval from all of the property owners within 100 feet of my property to continue to keep the trailer there.

I have used this storage unit as part of my business for those 30 plus years and have needed it to maintain my business. I am asking you to sign the attached sheet and return it in the enclosed stamped envelope as soon as possible.

Thank you so much for your consideration of the matter.

Sincerely,

Gary Blair



## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of CARPET COURT  
(name of applicant)

to establish a STORAGE  
(proposed use)

located at 1121 E. MINNEHABA AVE  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

	ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1	719 Frank St	THA TAW	Hoe Pae	10-21-10
2	1129 Minnehaha	Rafael Perez	Rafael Perez	10-29-10
—	1135 E. Minnehaha	Lee Moua	Lee Moua	11/1/10
3.	1120 E. Minnehaha	Lucile Engeseth	Lucile Engeseth	11/3/10
4.	1125 E Minnehaha	Gia Lor	Gia Lor	11/3/10
5.	1126 E. REANEY	Nicolas Ramirez	Nicolas Ramirez	01/06/11
	<del>1126 E. REANEY</del>			

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

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ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
710 Frank St	THA TAW	Hoe Poe	10-21-10
1129 Minnehaha	Rafael Perez	Rafael Perez	10-29-10
1135 E. Minnehaha	LEE MOUA	Lee Moua	11/1/10
1120 E. Minnehaha	Lucile Engseth	Lucile Engseth	11/3/10
1125 E. Minnehaha	Gia Lor	Gia Lor	11/3/10
6. 1115 E. Minnehaha	SAM YANG	Sam Yang	1-2-11
7. 1132 Reaney	MAI KHOUA	Mai Khoul	2-22-11
9. 1016 REANEY	DAN KINGSTON	Dan Kingston	4-27-11
8. 1135 Minnehaha	MITI MOUA	Miti Moua	4-27-11

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# CITY OF SAINT PAUL

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1120 E. Minnehaba	Lucile Engeseth	Lucile Engeseth	11/3/10
1125 E Minnehaba	Gia Lor	Gia Lor	11/3/10
9 1124 E. Minnehaba	MARK KERR	Mark Kerr	1/3/11
10 1121 E. Minnehaba	GARY HAM	Gary Ham	1/13/11

**NOTE:** All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006



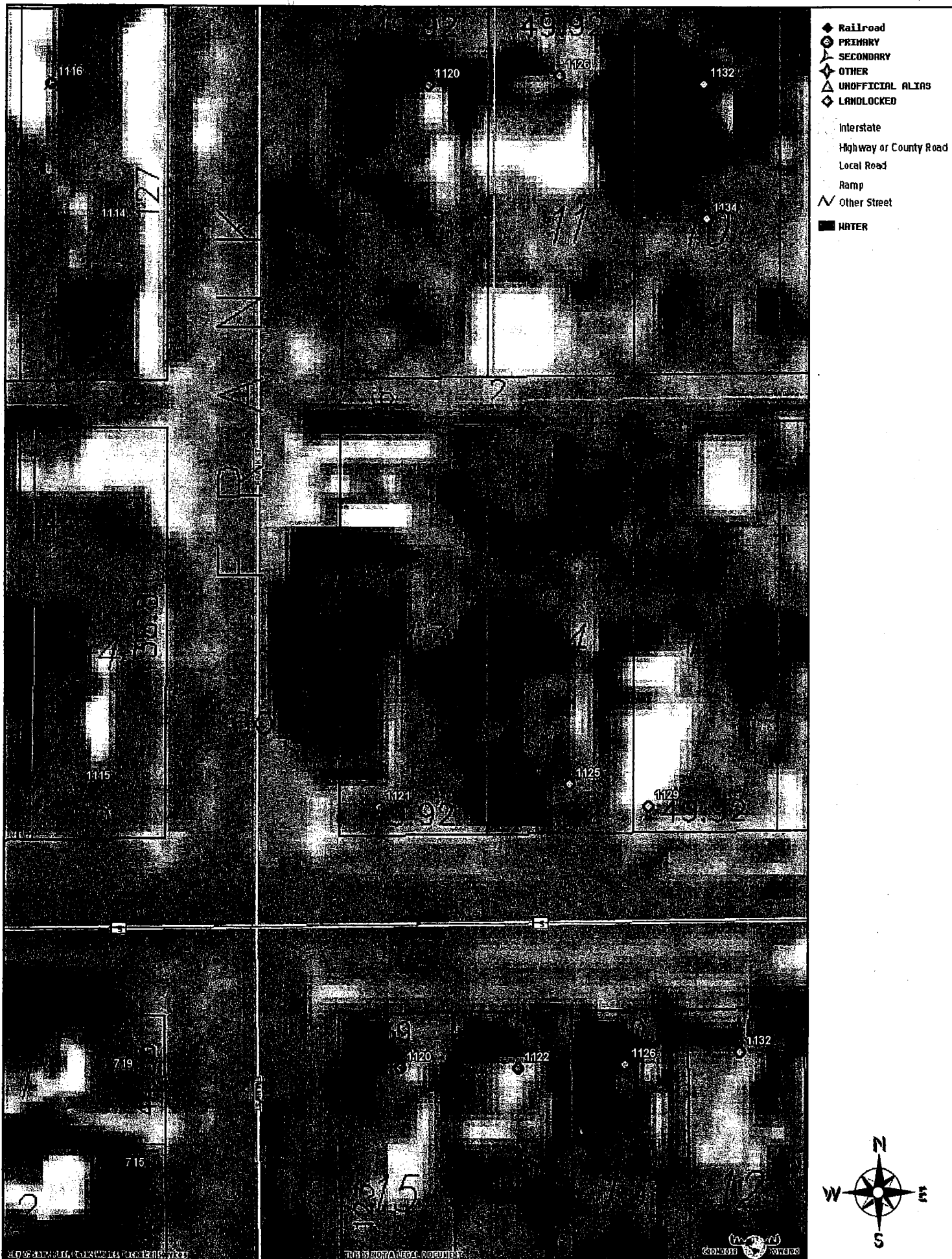
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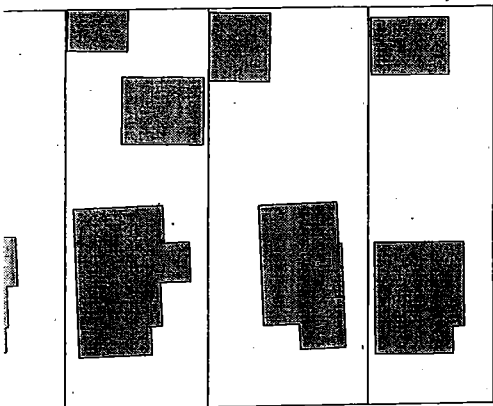
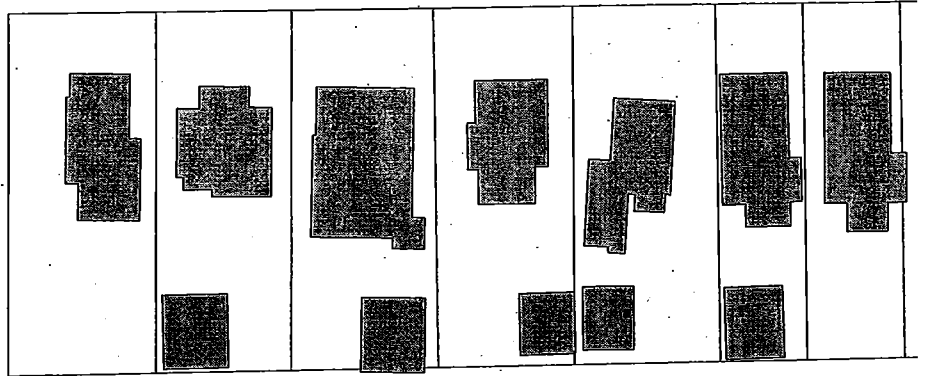
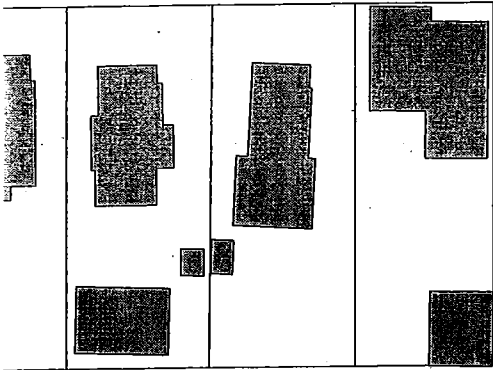
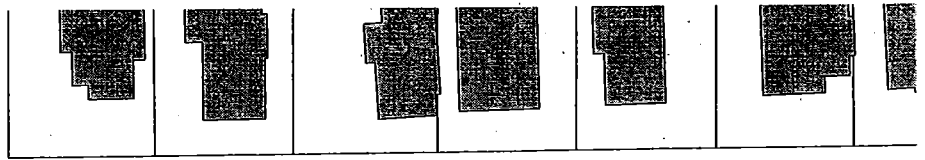
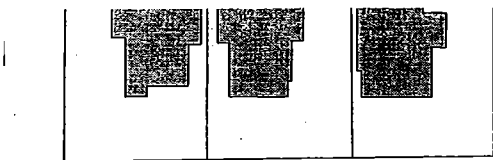


- ◆ Railroad
- PRIMARY
- ▲ SECONDARY
- ◆ OTHER
- ▲ UNOFFICIAL ALIAS
- ◆ LANDLOCKED
- Interstate
- Highway or County Road
- Local Road
- Ramp
- Other Street
- WATER

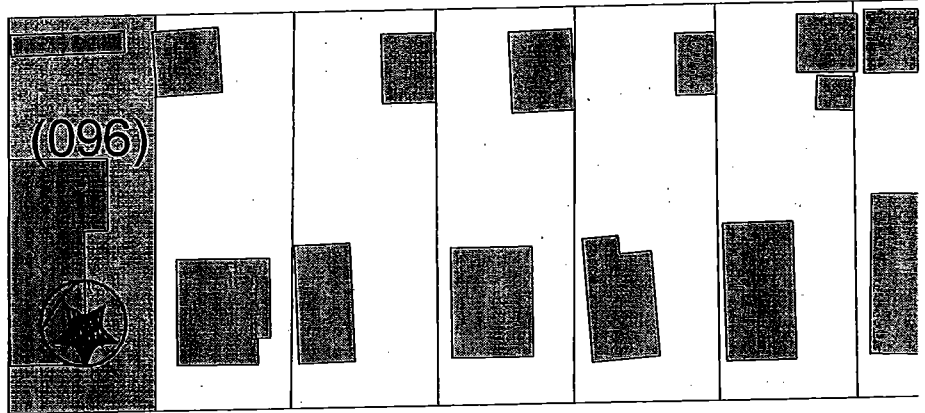


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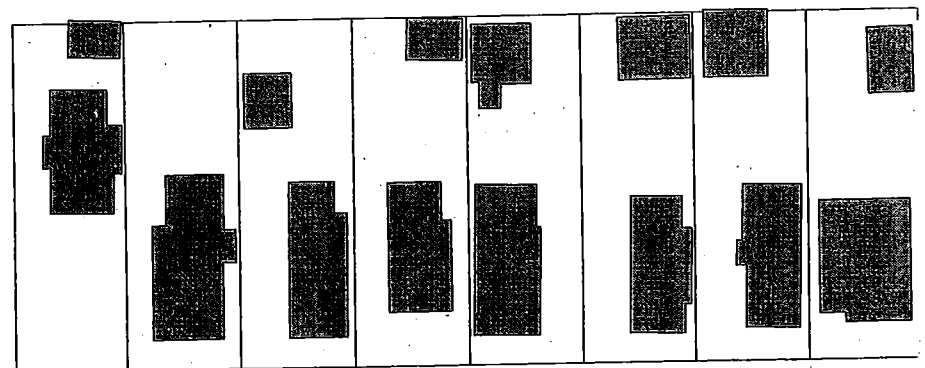
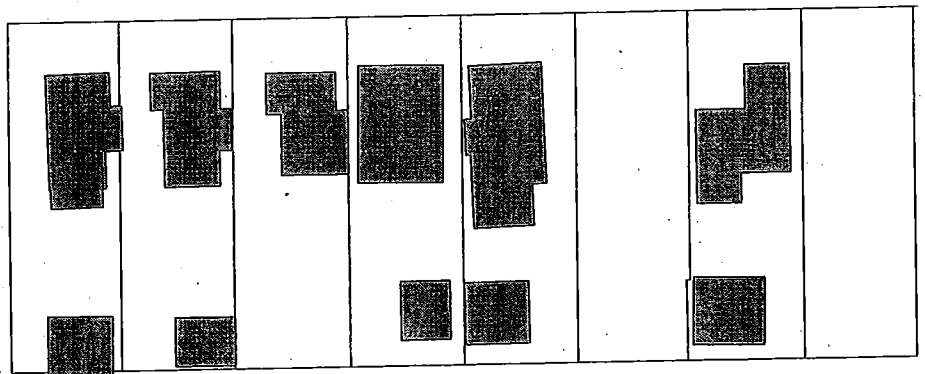
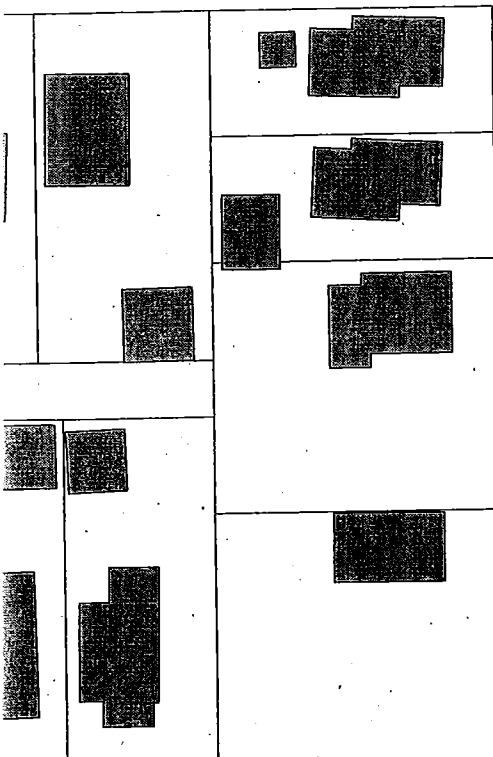




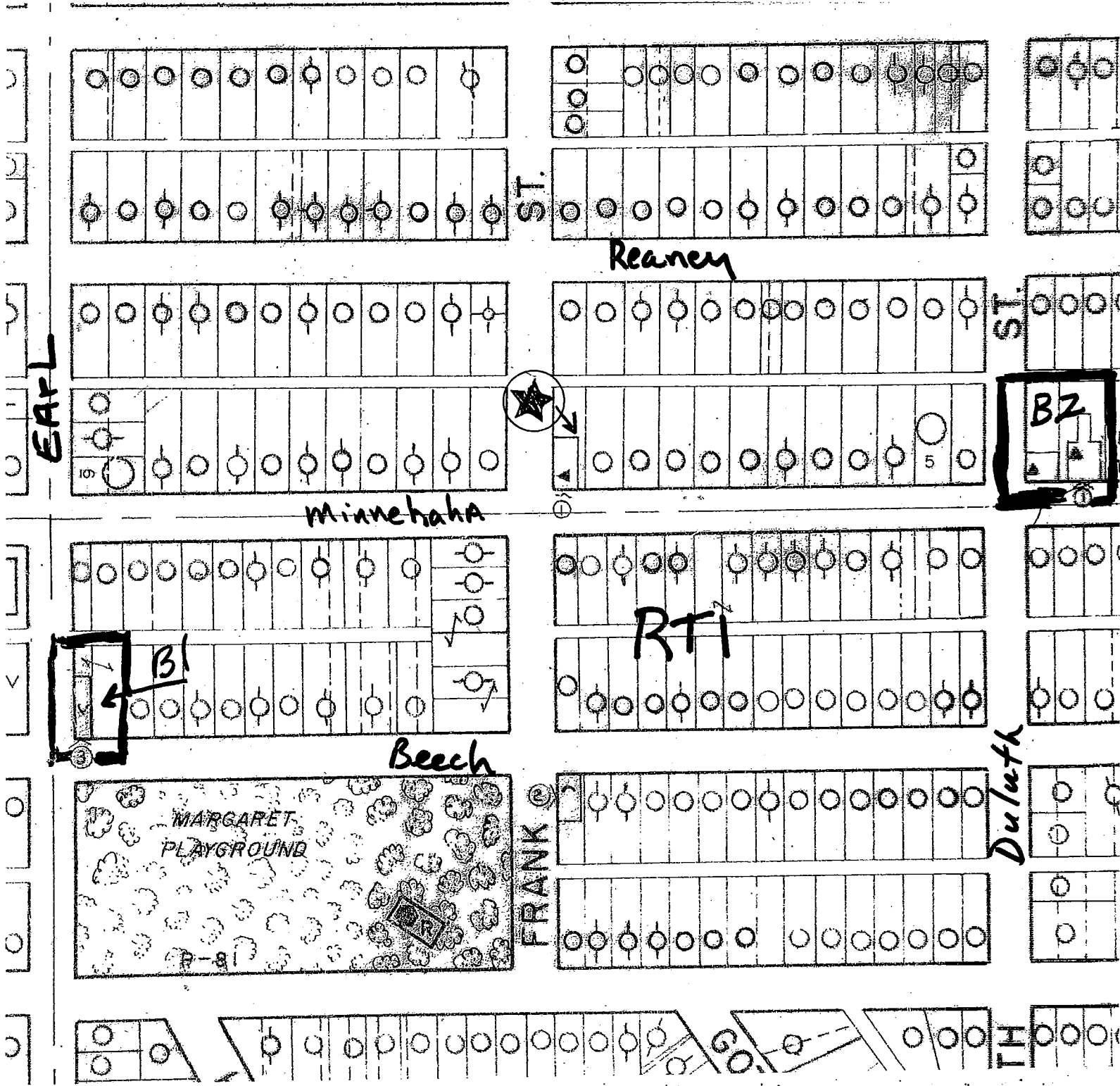
FRANK



MINNEHAHA







APPLICANT <u>Gary Blair</u>		<b>LEGEND</b> <hr/> zoning district boundary subject property ○ one family ⊙ two family ⊕ multiple family ● ▲ ○ commercial ◆ ▣ industrial V vacant
PURPOSE <u>Est. NCUP</u>		
FILE # <u>11-141752</u>	DATE <u>5-16-11</u>	
PLNG. DIST. <u>4</u>	Land Use Map # <u>14</u>	
SCALE <u>1" = 100'</u>	Zoning Map # <u>11</u>	





## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Renaissance Fireworks Inc **FILE #** 11-141-212
  2. **APPLICANT:** Renaissance Fireworks Inc **HEARING DATE:** June 2, 2011
  3. **TYPE OF APPLICATION:** Conditional Use Permit with modification
  4. **LOCATION:** 1668 Suburban Ave, SE of intersection with Kennard
  5. **PIN & LEGAL DESCRIPTION:** 342922440062, Suburban Square Addition Outlot A In Target-east St Paul & In Sd Suburban Square Add Lots 3 Thru Lot 7 Blk 1
  6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B2
  7. **ZONING CODE REFERENCE:** § 65.526; § 61.501; § 61.502
  8. **STAFF REPORT DATE:** May 25, 2011 **BY:** Kate Reilly
  9. **DATE RECEIVED:** May 12, 2011 **60-DAY DEADLINE FOR ACTION:** July 11, 2011
- 
- A. **PURPOSE:** Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modification of days of operation
- B. **PARCEL SIZE:** The area to be occupied by the use is approximately 20 ft by 40 ft. The entire parcel is 111,949 sq. ft.
- C. **EXISTING LAND USE:** C-Retail-Multi-Use Center Parking Lot
- D. **SURROUNDING LAND USE:**  
North: Transportation – I-94  
East: Commercial (B2)  
South: Commercial (B2)  
West: Commercial (Suburban Square Center-B2) and residential (R3)
- E. **ZONING CODE CITATION:** : §65.526 permits the outdoor sales of consumer fireworks provided certain conditions are met; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** In 2007, the City Council adopted an ordinance regulating outdoor sales of consumer fireworks (C. F. 07-633). One of the provisions of this ordinance was to first permit these sales in the B3 zoning district as a conditional use. Minnesota Statutes Sec. 624.20 Subd. 1(d) states: "*A local unit of government may not prohibit or restrict the display of items for permanent or temporary retail sale...that comply with National Fire Protection Association Standards 1124 (2003 edition)....*" According to the State Fire Marshal, the only exception is if the local jurisdiction prohibits retail stands of all kinds, then it can prohibit the retail sale of consumer fireworks. Since the Saint Paul zoning code permits certain kinds of outdoor sales in the B2 district, Saint Paul does not fall under this exception. On May 13, 2011 the Planning Commission approved an application (Zoning File # 11-130360) for a Conditional use Permit for seasonal outdoor sale of consumer fireworks with modification of days of operation for the same operator at a different location, Sun Ray Shopping Center.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council sent a letter in opposition,
- H. **FINDINGS:**
1. Renaissance Fireworks proposes to occupy approximately 9 parking spaces in the parking lot of the Suburban Square shopping center for the purpose of selling consumer fireworks. A 20 ft. x 40 ft. tent will be erected for the sales. The leased area will also include space for a locked storage container to hold the fireworks when the business is closed. The tent is proposed to be erected on June 17th with proposed sales dates starting June 24 and ending July 4, 2011, a period of 11 sales days.
  2. The Zoning Code permits the outdoor sale of consumer fireworks as a conditional use in the B3 community business district subject to the standards and conditions of Section 65.526. Minnesota Statutes Sec. 624.20 Subd. 1(d) in essence requires that outdoor sales of fireworks

be permitted in those zoning districts where other outdoor sales are permitted, and the Saint Paul zoning code permits certain other outdoor sales in the B2 community business district. The standards and conditions for outdoor commercial sale of consumer fireworks are as follows:

- (a) *The standards and conditions of section 65.525 shall apply: Sec. 65.525 states: The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.* This condition is met. The area where the tent is proposed to be located is near a vacant storefront in the shopping center. In addition, many of the shopping center's other retail spaces are vacant, including several of the storefronts on the east end of the shopping center, near where the tent is proposed to be located. The location of the tent is in the same place where snow is stored during the winter season. The loss of the 9 spaces will leave 142 spaces for parking for the other retail uses in the lot, and will provide adequate parking for the fireworks stand.
- (b) *The use shall obtain all necessary permits from the city. Permits for outdoor sale of consumer fireworks shall be valid from June 25 to July 5 each year, during the Independence Day holiday season.* This condition is partly met. The applicant will apply for the required permit from the Saint Paul Fire Marshal. The applicant proposes sales for a different period of time two full weekends prior to the July 4 holiday (June 24 to July 4 this year), while the zoning code limits the sales to the period from June 25 to July 5. The applicant has requested a modification of this requirement.
- (c) *All items offered for sale shall be kept within the sales structure. The sales structure shall be located at least twenty (20) feet from any other structure.* This condition is met. The applicant's plan shows a sales tent where the items will be kept. The tent is at least 30 feet from the nearest structure.
- (d) *The sales structure shall be located at least one hundred (100) feet from the closest property line of any property used or zoned for residential use (excluding mixed commercial-residential uses).* This condition is met. The closest residentially zoned or used property is at least 600 feet away.
- (e) *An outdoor no-smoking area of fifty (50) feet surrounding the perimeter of the structure shall be maintained on the property. The fifty-foot non-smoking area must be physically marked. No portion of any public sidewalk, boulevard right-of-way, public street, or alley may fall inside the perimeter.* This condition can be met. The buffer area does not include any portion of a public sidewalk, boulevard, street, or alley. The applicant has proposed locations for posting no smoking signs at the perimeter of the tent and storage container area and at the entrances to the drive aisles on either side of the sales area. The location of all no smoking signs should be placed as directed by the Fire Marshal.
- (f) *The structure shall not be located within fifty (50) feet of a motor vehicle fuel dispenser.* This condition is met. There are no motor vehicle fuel dispensers in the Suburban Square shopping center.
- (g) *When the structure is unoccupied and not open for business, merchandise shall be secured or removed from the site.* This condition is met. The applicant states that the fireworks will be stored in a secure, metal container with tamper proof locks when the business is closed.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. While the Sun-Ray-Suburban Small Area Plan Summary seeks to "restrict outdoor sales to seasonal items sold by businesses already located on the site; discourage outdoor sales by itinerant businesses," state law directs municipalities to allow the seasonal sales of legal fireworks. Since the comprehensive plan must be consistent with state statutes, the language in this case should be interpreted as discouraging temporary outdoor sales uses by itinerant businesses in general, but excepting seasonal outdoor sales of consumer fireworks.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The management company of the for the shopping center states that the entrance near which the fireworks tent is proposed to be located is underutilized.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. This use is temporary and seasonal in nature and will not permanently change the character of the area. Provided the applicant complies with all of the requirements of the National Fire Prevention Association (NFPA) standard as enforced by the Fire Marshal, the use will not endanger the public health, safety or general welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will be temporary and seasonal in nature and will not impede the development and improvement of other properties in the Suburban Square shopping center for uses permitted in the B2 zoning district.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use is seasonal and located in a temporary structure, and complies with applicable regulations. The sales area within the tent requires 6 off-street parking spaces, which are available in the existing shopping center parking lot.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The applicant proposes selling consumer fireworks for two weekends (Friday, Saturday and Sunday) before July 4 (June 24 to July 4, 2011), rather than the more limited time (June 25 to July 5) set forth in Sec. 65.526. The applicant has asked to have the tent set up from June 17 to July 5. The applicant has demonstrated that he will suffer a financial hardship of a loss of 10 percent of his business if not allowed to begin selling on June 24. The sales period will be the same number of days as that provided in the code. In this case, strict application of the condition would unreasonably limit this temporary, seasonal sales business, which would result in exceptional undue hardship to the applicant. Ending sales on July 4 results in sales occurring the same number of days as permitted in the code, so that the modification will not impair the intent and purpose of the condition, is consistent with the health, morals, and general welfare of the community, and is consistent with reasonable enjoyment of the adjacent shopping center property.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modification of days of operation subject to the following additional condition(s):

1. A permit from the Fire Marshal is approved and posted as required.
2. The use complies with all local and state regulations pertaining to the sales of consumer fireworks.
3. The consumer fireworks shall be securely stored during non-sales hours.
4. The dates of operation may begin two full weekends (Friday, Saturday and Sunday) prior to July 4 and shall end on July 4.



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only	
File #	11-141212
Fee	800.00
Tentative Hearing Date	6-2-11

PD-1

# 342922440062

## APPLICANT

Name	Renaissance Fireworks Inc		
Address	1607 Downy Ave NE		
City	Mpls	St. MN Zip	55418
Daytime Phone	612-840-3240		
Name of Owner (if different)	MARK LAZARICH		
Contact Person (if different)			Phone

## PROPERTY LOCATION

Address / Location	1468 Suburban Ave St. Paul MN 55106		
Legal Description	See Attached		
		Current Zoning	B2
(attach additional sheet if necessary)			

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 65, Section 526, Paragraph \_\_\_\_\_ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

No modifications

CK 7231  
800.00

☐ Required site plan is attached

Applicant's Signature

*[Signature]*

Date 5-11-11

City Agent

add  
5-12-11

## Legal Description

Suburban Square addition  
outlot A in target - East St Paul  
& in SD Suburban Square add  
lots 3 thru Lot 7 Bk ~~1~~ 1

## Renaissance Fireworks Inc.

### TEMPORARY LEASE AGREEMENT

THIS FIREWORKS STAND AND LEASE AGREEMENT is made between

Property Owner (herein referred to as the "Landlord"), whose address is:

Landlord: Suburban Square Partners, LLP	Phone Number: 952-947-3025
Address: 7500 West 78th Street Edina, MN 55439	Contact: Sarah Evans
Federal Tax ID or SSN:	Check Payable: Suburban Square Partners, LLP

#### Site Information

Property Name: Suburban Square Shopping Center	Phone Number: 952-947-3025
Address: 1668 Suburban Ave St. Paul, MN 55106	Contact: Sarah Evans

and

Renaissance Fireworks, Inc. (hereinafter referred to as the "Tenant"), whose address is: 1607 Lowry Ave. NE, Minneapolis, MN 55418.

**LEASE OF PROPERTY.** Landlord leases to Tenant the property described above at the location shown on attached EXHIBIT A, which exhibit is made a part hereof. The property is to be used for the purposes of housing a temporary sales facility from which the sale of state-legal 1.4G (Class C) consumer fireworks and novelty items will be conducted in accordance with applicable law. Landlord specifically gives permission to the Tenant to locate a temporary stand, kiosk or tent on the property, which stand, kiosk or tent will be the vehicle from which the products will be sold. Such consumer fireworks shall not be lit, "set off", activated or otherwise used at the property or adjoining center.

**TERM.** The term is for the period June 17, 2011 through July 18, 2011. Landlord shall allow up to 7 days before and after these dates for set up and tear down.

**RENT.** Tenant agrees to pay rent to the Landlord in the aggregate amount of TWO THOUSAND, DOLLARS (\$2,000.00), ~~which shall be paid to Landlord prior to set-up or occupancy;~~

plus 10% of gross sales over TWENTY THOUSAND DOLLARS (\$20,000.00) for the property named above under site information, which amount shall be paid on or before July 22, 2011.

**TENANT'S PROPERTY.** All of Tenant's personal property shall be on the leased property at Tenant's sole risk.

**OPERATORS.** The Landlord acknowledges that the Tenant sometimes sublets the sale of the fireworks to independent operators. Landlord approves of all such arrangements, provided that the Tenant is not relieved from any obligations hereunder. Tenant shall be the only temporary stand, kiosk or tent engaged in firework sales on property at all times during the duration of this lease.

**INSURANCE.** Tenant shall provide general liability insurance covering the Tenant's, and its subcontractors, use and occupation of the property's, including, without limitation, product liability, bodily injury, personal injury and property damage, on an occurrence basis, with coverage in the aggregate amount of TWO MILLION DOLLARS (\$2,000,000.00).



The insurance shall name the Landlord as an additional insured under Tenant's insurance policy "as Landlord's interest may appear." Prior to occupancy, Tenant shall deliver a Certificate of Insurance to Landlord evidencing the insurance required hereunder.

**INDEMNITY.** Tenant shall indemnify and hold the Landlord harmless from any claims, including attorneys' fees, in connection with any injury or damage caused to any person or property arising out of Tenant's use or occupancy of the property or any breach by tenant of this agreement.

**SURRENDER OF PROPERTIES & RIGHTS.** Tenant agrees to surrender possession of the property to the Landlord upon termination of this agreement in as good condition and repair as the same shall be on the date Tenant first occupies the properties under this lease agreement -- ORDINARY WEAR AND TEAR EXCEPTED. The Tenant shall make any and all repairs necessary to restore any portion of the property where such restoration is necessitated by the Tenant's use of the property.

**SECURITY DEPOSIT.** Tenant agrees to pay a security deposit to Landlord in the amount of \$500.00 on or before occupancy or set-up. Landlord and Tenant agree to inspect the property before occupancy or tent set-up (and document conditions with photos of the parking lot surface) and then inspect again after occupancy and tear down to determine if any damage has occurred other than normal wear and tear. If no damage other than normal wear and tear has occurred, Landlord agrees to refund Tenant's security deposit in full no later than 5 days after final inspection.

**CHANGE IN LAW.** In the event that the sale of consumer fireworks is prohibited for any portion of the term by any level of judicial, legislative or executive law, order, rule or regulation, this lease shall, upon notice from the Tenant to the Landlord, terminate, whereupon any advanced rental payment shall be returned to the Tenant on a pro rata (number of days of term occupied) basis and the Tenant shall be relieved from any further liability hereunder.

**PERMITTING.** This agreement is contingent upon Tenant securing all required local and state licenses and permits to sell 1.4g (Class C) consumer fireworks on the leases premises. If Tenant is unable to secure such license and permits this lease agreement will become null and void. Tenant shall not take possession of the property until such required licenses and permits have been secured.

**PROPERTY.** If the property is inaccessible or unusable due to construction or the like, then this lease is subject to revision.

**ENTIRE AGREEMENT.** This lease agreement and any incorporated exhibits or attachments contain all of the agreements between the parties and cannot be modified in any manner other than by an agreement signed by the parties with the same formalities attendant to the execution of this lease agreement. Each agreement, term and provision of this lease agreement shall be construed to be a promise, covenant and condition.

**PROVISIONS BINDING.** The agreements herein shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of the parties.

IN WITNESS WHEREOF, the Landlord and Tenant have executed this lease agreement, each party acknowledging receipt of an executed copy hereof.

Suburban Square Partners, LLP -- "Landlord"

By:

Name: Sarah Evans

Title: Property Manager

Date: 5/10/2011

RENAISSANCE FIREWORKS, INC. -- "Tenant"

By:

Name: Mark Lazarchic

Title: President

Date: 5-11-11

# Renaissance Fireworks, Inc.

Product List 2011

Updated 5/2/2011

## 999 BOCO Fountains

	PACKAGING	UNITS PER CASE	CASE WEIGHT (LBS)
Crackling Rose	36/1	36	13
Flower Fantasy	36/1	36	15
Intrepid Flame	36/1	36	13
Classic Show	36/1	36	25
Whistling color Cuckoo	36/1	36	28

## 999 BOCO Fountains

	PACKAGING	UNITS PER CASE	CASE WEIGHT (LBS)
Harmonious Colors	28/1	28	28
Fool's Gold	24/1	24	22
Sassy Lassy	24/1	24	29
Royaltini	24/1	24	24
Vision Me	24/1	24	26
Firefly	24/1	24	29
Festiva	24/1	24	23
Bonzai Pipeline	24/1	24	37

## 999 BOCO Fountains

	PACKAGING	UNITS PER CASE	CASE WEIGHT (LBS)
Digital Garden	20/1	20	17
Evil Clown	18/1	18	28
Dragon Eyes	20/1	20	16
Hot Roll	16/1	16	45
Burn Baby Burn	16/1	16	20
Fire and Flash	12/1	12	31

Frog Prince	12/1	12	19
Magic In The Garden	18/1	18	36
Spring Fest	12/1	12	22
Picture Perfect	12/1	12	21
Mesmorize	24/1	24	32
Breathless	18/1	18	32

### 1999 BOGO Fountain

PACKAGING	UNITS PER CASE	CASE WEIGHT (LBS)
Worlds Highest/Strongest	18/1	18
Royal Garden	12/1	12
Superb	12/1	12
Lemon Chero/Lemon Lime Delight	12/1	12
Fish out Of Water	12/1	12

### 2000 BOGO Fountain

Crackle Storm	4/1	4	31
Impossible Dream	6/1	6	33
Bohemith	9/1	9	39
Chigger Choker	6/1	6	40
One Big Fountain	4/1	4	33
Sha Boom	6/1	6	29
Waking The Deaf	4/1	4	30
Dark Science	6/1	6	18
One Unbelievable	4/1	4	49
Psychedelic	4/1	4	38
Botanical Blast	4/1	4	18
Mi Amor	4/1	4	26
National Treasure	6/1	6	31
Majestic	9/1	9	41

High Yield  
Hot Lava - Lava Lamp

4/1	4	18
6/1	6	33

### Grab-n-Go Fountains

#### PACKAGING UNITS PER CASE CASE WEIGHT (LBS)

Killer Bee (Individual)	24/4	96	18
Cuckoo (Individual)	24/6	144	28
Barrels of Fun (2 pack)	72/2	72	14
Royal/Grand (Buy 1 get 3 free)	96/1	96	16
Imperial/Magnificent (Buy 1 get 3 free)	96/1	96	16
HN90 Fountain (Individual)	18/4	72	15
Jack in the Box (Individual)	30/6	180	25
#3 Cone (Buy 1 get 2 free)	144/1	144	42

### Novelties

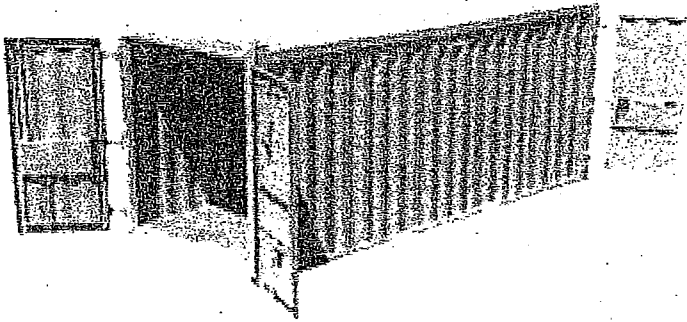
#### PACKAGING UNITS PER CASE CASE WEIGHT (LBS)

Adult Snaps	10/30/20	300	24
Snaps (Single Box)	6/50/50	300	13
Sliders	6/50/12	300	16
Crackling Balls	4/48/6	192	18
Flashing Signal	12/24/6	288	34
Medusa	12/12	144	10
Tank with Star	40/12	480	25
M-45 Tank	48/1	48	18
S Tank	48/1	48	19
5 Color Assorted Clay Smoke	20/6/12	120	40
Smoke Tube 4 Assorted Colors	48/4	48	30
Ground Bloom Flower 6 pack	20/12/6	240	28
Jumping Jack single pack	20/48/12	960	22
Magic Whip (Single Unit)		576	30
Ring of Fire (Single Unit)		288	22

36" Morning Glory (48 count case)	48/6	48	15
36" Morning Glory (72 count case)	72/6	72	23
36" Morning Glory (96 count case)	96/6	96	29
8" Gold Sparkler	24/12/6	288	12
Boomer 6 pack bag snakes	144/6/6	144	13
Chinese Lantern (White)	36/1	36	15
Chinese Lantern (Color)	36/1	36	15

## Accessories

	PACKAGING	UNITS PER CASE	CASE WEIGHT (LBS)
All Star Bag/Kid's Delight	36/1	36	39
Mountains of Fountains		1	5
Party Bag of Fun		1	7
Party Bag of Fun and Then Some		1	9
Economy Fountain Tray (2010)	8/1	8	20
Economy Fountain Tray (2011)	16/1	16	32
Mixx it up #3	9/1	9	21
In the Mixx #5	12/1	12	35
Super Value Fountain Tray	6/1	6	31
Jumbo Value Fountain Tray	4/1	44	47
#3 Novelty Asst.	24/1	24	16



8' x 8' x 20'

Storage Units



City Cargo & Storage

651-686-7221

# Material Safety Data Sheet

May be used to comply with:  
 OSHA's Hazard Communication Standard,  
 29 CFR 1910.1200. Standards must be  
 consulted for specific requirements.

U.S. Department of Labor  
 Occupational Safety and Health Administration  
 (Non-Mandatory Form)  
 Form Approved  
 OMB No. 1218-0072

IDENTITY (As Used on Label and List)

Common Name(s) (Fireworks 1.4G)

Note: Blank spaces are not permitted. If any item is not applicable, or if information is available, the space must be marked to indicate so.

## Section I

Manufacturer's Name

Emergency Telephone Number

Address (Number, Street, City, State, and ZIP Code)

Telephone Number (for information)

Date Prepared

Signature of Preparer (optional)  
 (optional)

## Section II — Hazardous Ingredients/Identity Information

Hazardous Components (Specific Chemical Identity, Common Name(s))

OSHA PEL

ACGIH TLV

Other Limits  
 Recommended

44 (book)

Contains pyrotechnic composition — a solid mixture of oxidizer and fuel that will burn if ignited. These items are classified as 1.4G Explosives by the U.S. Department of Transportation. No Chemical composition is exposed during normal handling and storage.

## Section III — Physical/Chemical Characteristics

Boiling Point	N/A	Specific Gravity ( $\rho_{20} = 1$ )	N/A
Vapor Pressure (mm Hg.)	N/A	Melting Point	N/A
Vapor Density (AIR = 1)	N/A	Evaporation Rate (Butyl Acetate = 1)	N/A
Solubility in Water	N/A		N/A

Slight

Appearance and Odor

All Pyrotechnic Composition is contained in a cardboard casing.

## Section IV — Fire and Explosion Hazard Data

Flash Point (Method Used)	N/A	Flammable Limits	LEL	UEL
			N/A	N/A

Extinguishing Media

Flood with water if small amount of fireworks is involved.

Special Fire Fighting Procedures

Do not use suffocation methods — devices contain their own oxygen. If a large amount of fireworks are involved, allow them to burn and prevent spread.

Unusual Fire and Explosion Hazards

Fireworks will burn rapidly in the event of fire.

of (1)



## Section V - Reactivity Data

Subs	Unstable	Conditions to Avoid	Open flames, smoking
	Stable		

Incompatibility (Materials to Avoid) Exposure to water may cause items to deteriorate.

Hazardous Decomposition or Byproducts

Smoke, nitrogen oxides, and sulfur dioxide may be released in a fire.

Hazardous Polymerization	May Occur	Conditions to Avoid	
	Will Not Occur		

## Section VI - Health Hazard Data

Routes of Entry: Inhalation? NO Skin? NO Ingestion? NO

Health Hazards (Acute and Chronic)  
Exposure to finished items does not pose any health hazard.

Carcinogenicity: NTP? NO IARC Monographs? NO OSHA Regulated? NO

Signs and Symptoms of Exposure N/A

Medical Conditions Generally Aggravated by Exposure N/A

Emergency and First Aid Procedures N/A

## Section VII - Precautions for Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled

No smoking or open flames in vicinity of spilled material. Carefully pick up and place spilled items in cardboard cartons. Sweep up any exposed chemical composition with a natural-fiber brush.

Waste Disposal Method

Precautions to Be Taken in Handling and Storing

Avoid open flames, smoking, and high temperatures (above 120 °F).  
Keep shipping cartons cool and dry.

Other Precautions None

## Section VIII - Control Measures

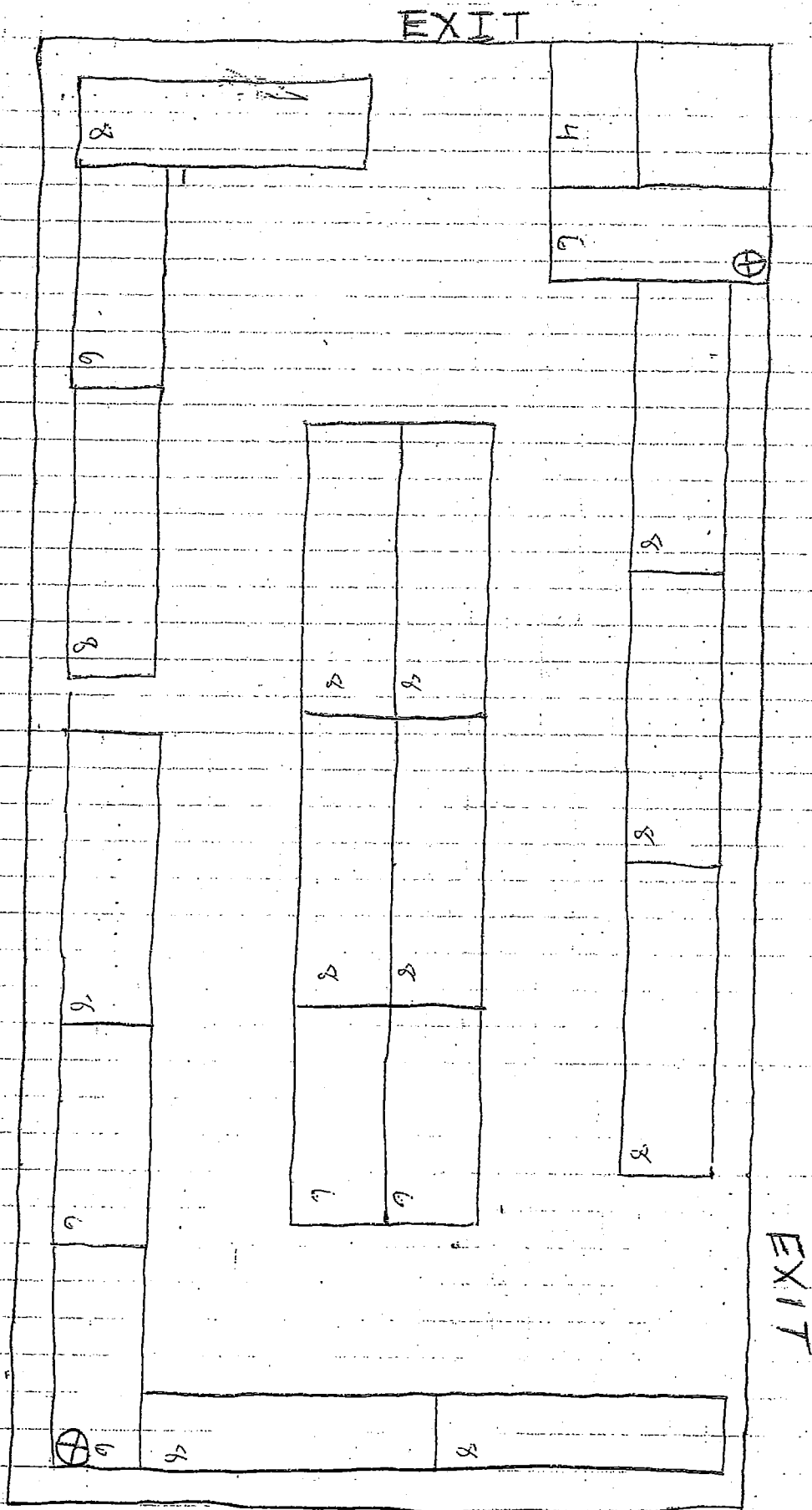
Respiratory Protection (Specify Type)  
None required when handling finished items.

Ventilation	Local Exhaust	N/A	Special	N/A
	Mechanical (General)	N/A	Other	N/A

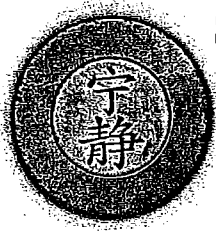
Protective Gloves None required Eye Protection N/A

Other Protective Clothing or Equipment N/A

Work/Hygiene Practices No smoking in vicinity of fireworks



20 X 40'  
Fire ext  
1 Block = 1 sq ft



**Serenity Venture Group**  
1607 Lowry Ave NE  
Minneapolis MN 55418  
p: 218 JULY 4TH | (218) 585 9484  
e: info@serenityventuregroup.com

Renaissance Fireworks  
Spirit Halloween of MN  
Christnosta  
Wedding Day Sparklers  
MAL Real Estate Holdings

Attn:

*City of St. Paul  
Community + Development*

Another season has approached! 2011 Renaissance Fireworks Inc.

Attached you will find:

- Application
- Site location
- Payment
- Authorization
- Tent set up
- Storage Information
- Tent certificate of flame
- Product MSDS Application
- Product List

If you have any questions please feel free to contact me by email at [krissy@renaissancefireworks.com](mailto:krissy@renaissancefireworks.com) or by phone 651-497-1364

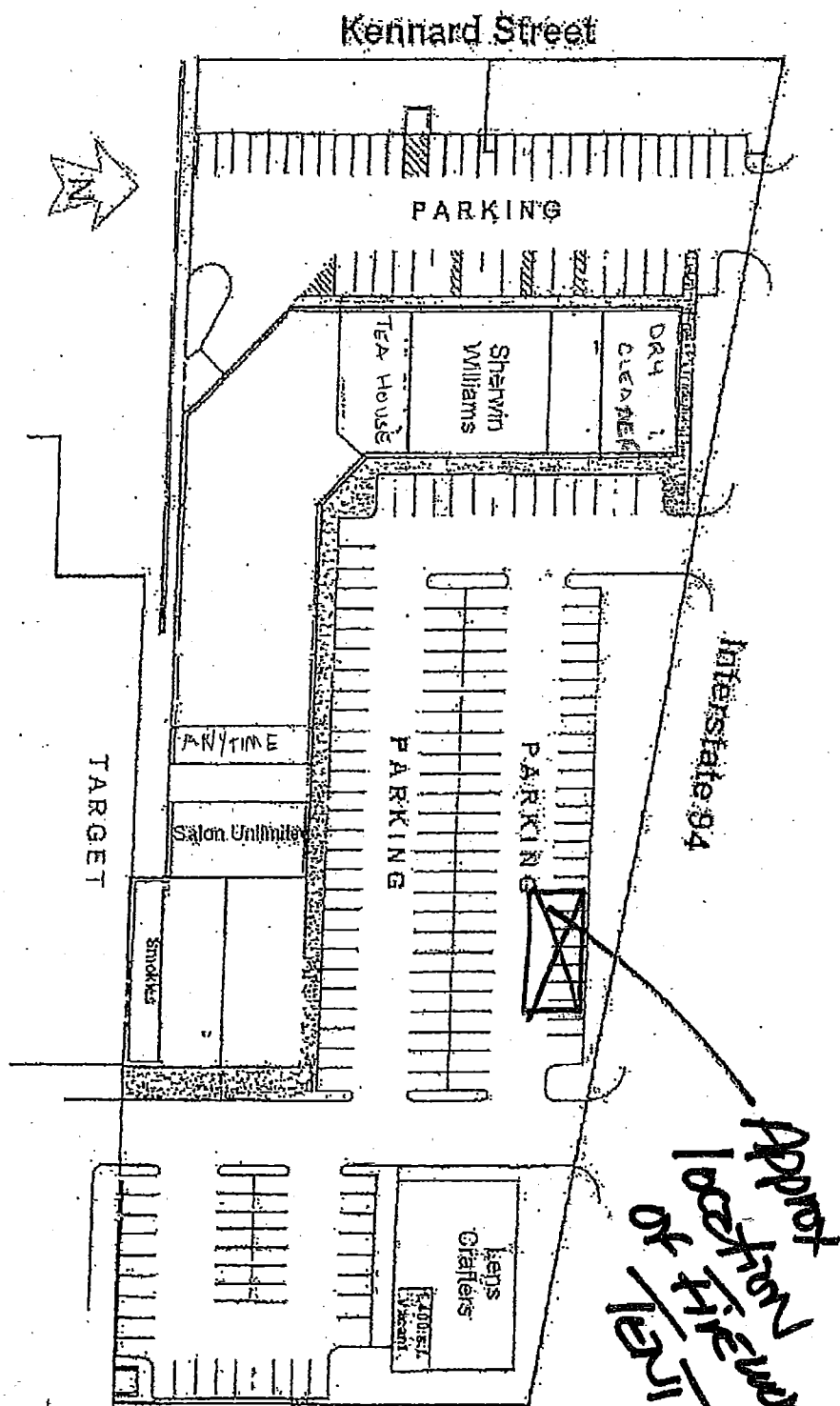
Thank you,

Krissy Alex

Renaissance Fireworks Inc.

EXHIBIT A

Suburban Square Partners, LLP



5/10/11



From: <mark@renaissancefireworks.com>  
To: <patricia.james@ci.stpaul.mn.us>  
Date: 5/16/2011 11:31 AM  
Subject: suburban

we would like the ability to operate for 2 weekends before the 4th of July every year. This would mean that the length of time and dates will vary from year to year. Sales will always end on July 4th.

Thanks

Mark A. Lazarchic  
- Serenity Venture Group  
- Renaissance Fireworks Inc.-  
- Spirit Halloween of MN-  
- CHRISTMASOTA  
- Wedding Day Sparklers  
- MAL Real Estate Holdings

Cell-612-840-3240  
Fax-888-511-7344  
Information-411



## Community Council

2105 1/2 Old Hudson Road, Saint Paul, MN 55119  
www.district1council.org      district1council.blogspot.com  
Community Council Office      Police Storefront  
(651) 578-7600 (phone)      (651) 578-7400 (phone)  
(651) 578-7404 (fax)      (651) 578-7404 (fax)  
district1council@aol.com      district1CPC@aol.com

Patricia James  
Paul Dubruiel  
City of Saint Paul  
45 W. Kellogg Blvd.  
Saint Paul, MN 55102

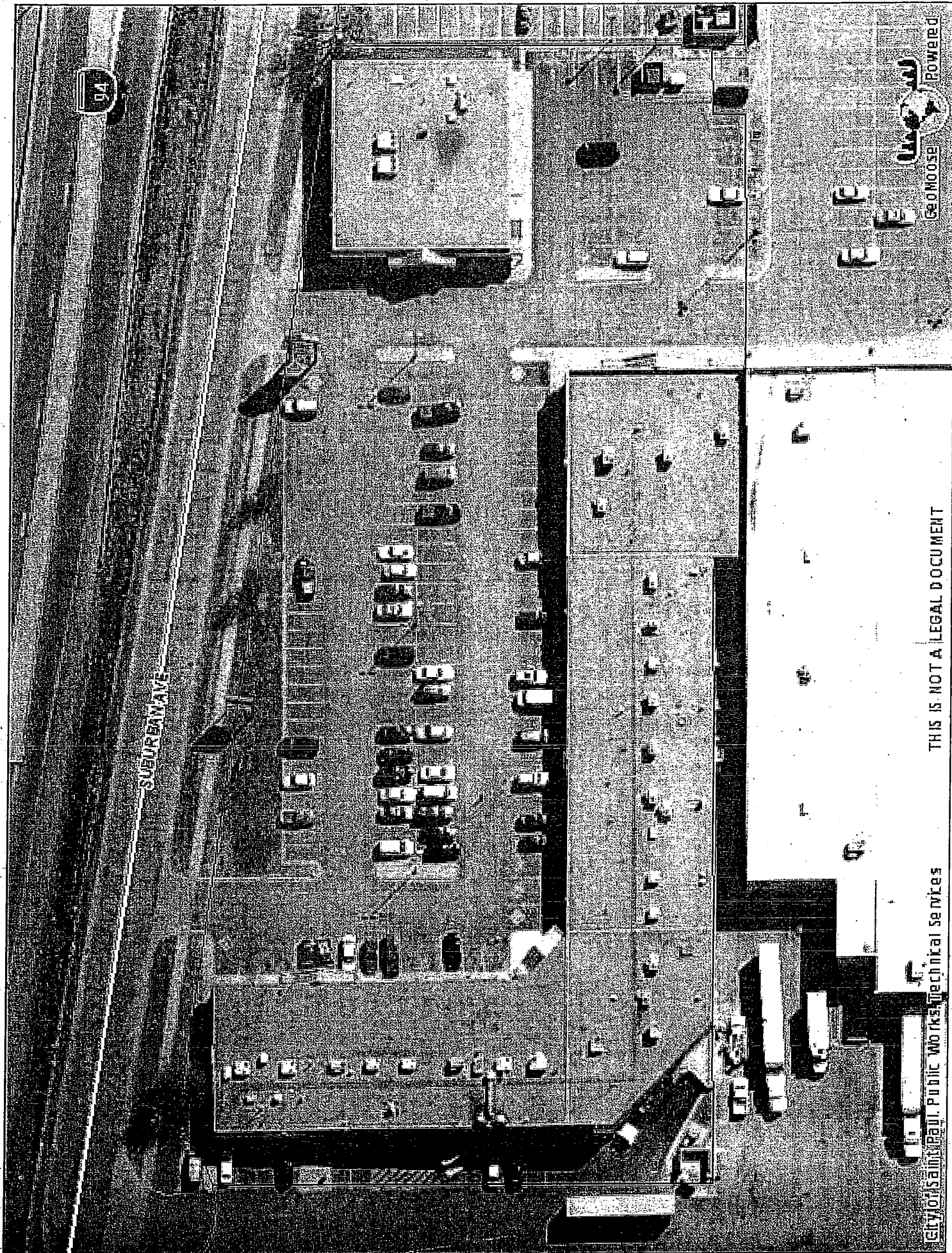
Re: CUP for Renaissance Fireworks Inc. at 1668 Suburban Ave.

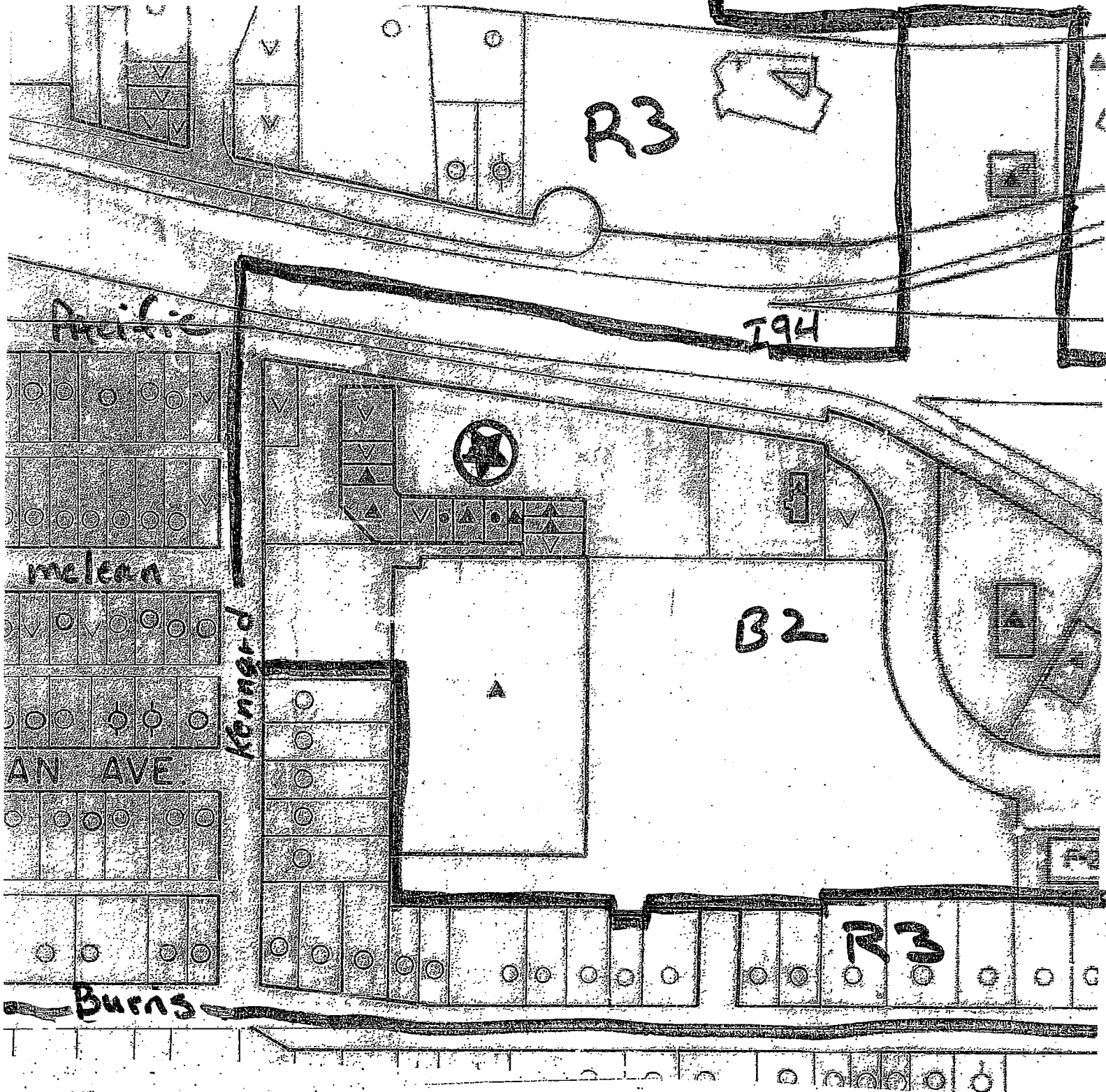
The District 1 Community Council strongly opposes the conditional use permit based on the following reasons:

- 61.501(c) – We feel the use will be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and welfare – This proposal is the second proposal by the same company within about 1/2 mile. To have two such temporary facilities within such a short distance has an extremely detrimental effect on the neighborhood as a whole. This proposal is also within short distance of single-family homes, many of whose owners have said it is unacceptable to have this type of activity in their vicinity, seeing the sales as a safety risk and noise hazard, as well as a visual blight.
- 61.501(d) – We also feel the use will impede the normal and orderly development and improvement of the surrounding property for the uses permitted (and already existing) in the district. There have never been any such temporary sales facilities at this location, unlike at the Cub Foods location, approximately 1/2 mile to the east, where the other CUP for this business was granted. At the latter location, other outdoor sales have been a regular summer feature for several years. In addition, the current proposal is near a series of smaller businesses that are trying to maintain their customer base or establish it, and this type of temporary facility will severely impair their ability to draw customers. Two of these businesses are our up-scale restaurants who would find this use very detrimental.

For these legal reasons, we oppose this application. Additionally, however, we question the business model for Renaissance Fireworks Inc. that would place a second facility so close to their other operation. This current proposal represents an over-saturation of a limited market.







APPLICANT Renaissance Fireworks

PURPOSE Conditional Use Permit

FILE # 11-141212 DATE 5-13-11

PLNG. DIST. 1 Land Use Map # 23

SCALE 1" = 200' Zoning Map # 18

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant

